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Government of Bengal

Finance Department

The Fundamental Rules and the Subsidiary Rules made thereunder

First Edition (Reprint) 1929

Corrected up to 31st December 1928

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PREFACE.

In exercise of the powers conferred by section 96-B of the Government of India Act, 1919, the Secretary of State in Council made certain statutory rules of a fundamental character called the "Fundamental Rules" to regulate the conditions of service of the civil services in India. Two memoranda were also issued by the Government of India explaining respectively each rule in the Fundamental Rules and the treatment accorded in those Rules to each Article of the Civil Service Regulations. These have been inserted as Appendices I and 2 to the rules.

2. The Rules provide in the main for pay, allowances, leave and such other conditions of civil service as were hitherto treated in the Civil Service Regulations, with the omission of the rules regarding pensions. They came into force with effect from the 1st January 1922, and from that date replaced the substantive rules in the Civil Service Regulations except in respect of pensions. Pending the issue of new pension rules by the Secretary of State, the present rules relating to pensions in the Civil Service Regulations will continue in force.

3. In certain cases the Fundamental Rules left it to the Secretary of State, the Governor General in Council and the Auditor General to issue detailed rules and instructions, regulating rates of subsistence grants, study leave, medical certificates of fitness, conditions governing admission to the benefits of the special leave rules, etc. These detailed rules and instructions have been embodied in their appropriate places either under the Fundamental Rules concerned or in separate appendices.

4. It will be seen that several of the Fundamental Rules concede rule-making powers to the Local Government, the more important of which deal with rules regarding the grant of honoraria, compensatory and travelling allowances, the principles on which rent shall be assessed in cases of Government residences, the joining time admissible to officers on transfer and the procedure regarding applications for, and grant of, leave, etc. Subsidiary rules have been framed by the Local Government to regulate these and other matters, e.g., the giving and taking over charge or leaving jurisdiction, in respect of which it has been left to the Local Government to issue administrative instructions or to make their own rules. These subsidiary rules are applicable to Government servants under the local Government's administrative control, which description includes the services controlled by the Governor in Council as the agent of the Governor General in Council and these rules have been inserted below the corresponding Fundamental Rules serially numbered and distinguished from the main Fundamental Rules by the indicating

mark "S. R." All the Subsidiary Rules and notes under them, in this volume, have been made by the Governor in Council.

5. There are certain other rules of minor importance in the Civil Service Regulations which were excluded from the Fundamental Rules as being of the nature of audit instructions. They have been embodied in the Audit Instructions issued by the Auditor General. Several rulings and interpretations on different Fundamental Rules have been issued by the Secretary of State and the Governor General in Council as well as by the Auditor General with the approval of the Finance Department of the Government of India. They have been reproduced below the Rules concerned.

6. Appendices have been added at the end containing rules regarding overseas pay, grant of advances for passages overseas, leave procedure, special concessions regarding travelling allowance, etc., which cannot suitably be included in the body of the book.

7. Under Rule 6 of the Fundamental Rules the powers vested in the Local Government by some of the Rules may, with certain exceptions, be delegated to subordinate authorities. The extent to which such delegations have been made is shown in the Delegation Chapter, in which the term "competent authority," used in certain of the Fundamental and Subsidiary Rules, has been defined.

8. The Fundamental and Subsidiary Rules, thus make up a self-contained code of regulations defining the various conditions of service. To a large extent these new rules follow the Civil Service Regulations, but there are differences, especially in the nomenclature to be adopted in dealing with various matters.

9. The amendments issued by the Secretary of State to different Fundamental Rules, as well as the corrections since made by the Local Government to their Subsidiary Rules under the Fundamental Rules, published in the *Calcutta Gazette* of the 23rd December 1921, have been incorporated in the present issue. Any further corrections that may be made by the Secretary of State to the Fundamental Rules or by the Local Government to the Subsidiary Rules and any further interpretations to the Rules or Audit Instructions that may be made by the Governor General in Council or the Auditor General, as the case may be, will be issued by periodical correction slips. The Appendices containing the lists of permanent travelling allowances and daily, mileage and conveyance allowances embody the rates hitherto in force as far as they can be collected from the different orders, Manuals, etc. The Finance Department is responsible for correction of the Fundamental and Subsidiary Rules, and all proposals for change should be submitted through that Department.

A. MARR,

Secretary to the Government of Bengal,

Dated 18th September 1924.

Finance Department.

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Fundamental Rules.

Made by the Secretary of State in Council under section 92B of the Government of India Act.

PART I.

Chapter I.—Extent of Application.

1. These rules may be called the fundamental rules. They shall come into force with effect from the 1st January 1922.

2. The fundamental rules apply, subject to the provisions of rule 3, to all Government servants whose pay is debitible to civil estimates in India, and to any other class of Government servants in India to which the Secretary of State in Council may by general or special order declare them to be applicable. In relation to services under its administrative control, other than all-India services, a local Government may make rules modifying or replacing any of the fundamental rules; provided that :—

- (a) No such rule shall adversely affect any person who is in Government service at the time when the fundamental rules come into force, and
- (b) any such rule which grants any privilege or concession not admissible under the terms of the fundamental rules, or of the Civil Service Regulations as they stand at the time when the fundamental rules are introduced, shall require the sanction of the Secretary of State in Council.

Declaration of the Secretary of State in Council.—The Secretary of State in Council has declared that a Government servant paid from Civil Estimates, who is temporarily transferred to service paid from Army Estimates, shall remain subject to the Fundamental Rules. (Government of India, Finance Department, Resolution No. 614-C.S.R., dated the 19th June 1922.)

Conditions of grant of leave to inferior servants.

S.R. 1. Pending the framing of special rules to regulate the granting of leave to inferior servants, the Local Government have decided that the grant of leave to inferior servants shall be subject to the restrictions imposed by Articles 147 (iii) and 321 (a), Civil Service Regulations.

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That is, the absentee allowance of the substantive incumbent must not exceed what remains from his pay after provision is made for the efficient discharge of his duties during his absence, except when, in the resultant acting arrangements, an officer who has no substantive appointment is given more than half the pay of the appointment in which he acts, in which case the excess over half pay granted to him may, at the discretion of the authority sanctioning the leave, be disregarded altogether in calculating the sum available for the leave allowance of the absentee and the acting allowance paid in consequence of his absence.

NOTE.—The leave salary received by an absentee under the operation of this rule should not be taken into account in recording the leave granted to him. The account should be debited with the kind of leave granted irrespective of the leave salary.

Departmental leave.

S.R. 2. The following special rules regulate the grant of leave to Government servants in the Survey Department of Bengal noted below, not being members of the office establishment located with the headquarters offices in Calcutta :—

(a) Subordinates in superior service.

(b) Menials attached to parties.

(i) In addition to leave under Chapter X of the Fundamental Rules, departmental leave may be granted in the circumstances and on the conditions prescribed in rules (ii) to (vii).

(ii) (a) Departmental leave may not be granted except to a Government servant whose services are temporarily not required.

(b) It may be granted during the recess by the head of the party, provided in the case of a menial that the officer granting the leave considers it desirable to re-employ the menial in the ensuing season.

(c) It may be granted at times other than the recess for not more than six months at a time by the Director of Land Records and Surveys, Bengal: Provided that the leave is granted in the interests of Government and not at the Government servant's own request and leave so granted may, in special cases, be extended up to a maximum of one year in all. Leave on medical certificate should never be regarded as granted in the interests of Government.

(iii) Departmental leave may be granted on such leave salary, not exceeding half pay, as the officer granting the leave may think fit. The leave salary is payable on return to duty after the expiration of leave and is not payable unless the Government servant returns to duty when required by his superior officer to do so. If, however, a Government servant dies while on departmental leave, his leave salary up to the date of his death will be paid to his heirs.

(iv) Departmental leave does not count as duty and will be debited to the leave account as though it were leave on half average pay.

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(r) Departmental leave may be granted when no leave is due. Departmental leave granted shall not be taken into account when calculating the maximum amount of leave admissible under Fundamental Rule 81 (a).

(ri) Departmental leave may be combined with any other kind of leave which may be due.

(r ii) When a Government servant subject to these rules holds a post in which the Director of Land Records and Surveys, Bengal, considers that he is unlikely to be eligible for departmental leave in future, the Director of Land Records and Surveys, Bengal, may by special order in writing declare that with effect from such date not being earlier than the Government servant's last return from departmental leave as the Director of Land Records and Surveys, Bengal, may fix, any balance of leave at debit in the Government servant's leave account shall be cancelled, to such extent as may be due to the departmental leave. All leave earned after such date will be credited as due in the Government servant's leave account; and all leave taken after such date, including departmental leave, if any, will be debited in it.

3. Unless in any case it be otherwise distinctly provided by or under these rules, these rules do not apply to Government servants whose conditions of service are governed by Army or Marine Regulations.

4. The powers specifically granted by these rules to local Governments may be exercised by them in relation to those Government servants only who are under their administrative control. These powers may be exercised by the Governor-General in Council in respect of all other Government servants, and may be delegated by him, without regard to the limitations of rule 6 and subject to any conditions which he may think fit to impose, to a Chief Commissioner.

Interpretation of the Government of India.—The term "under their administrative control" in this rule includes services controlled by the Governor in Council as the agent of the Governor-General in Council. (Paragraph 3 of Government of India, Finance Department No. 1079-C.S.R., dated the 29th October 1921.)

5. The power to make rules or general orders conferred upon local Governments by any of these rules shall be exercised after consideration by the Governor with his Executive Council and Ministers sitting together, but the rules and orders so made shall be made by the Governor in Council or by the Governor and Ministers, according as the service affected is attached to a department dealing with reserved or a department dealing with transferred subjects. In the case of services performing duties both in a department dealing with reserved

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and in a department dealing with transferred subjects, the Governor shall decide by which authority the rules shall be made.

Government of India's order.—This rule is merely a rule of procedure. It refers to the powers to make rules or general orders conferred upon local Governments by any of these rules. The words "rules or general orders" are used deliberately. Thus Fundamental Rule 44 grants power to make rules, while Fundamental Rule 119 grants power to pass general orders. The whole of the powers of a local Government to regulate travelling allowance are derived from Fundamental Rule 44. Fundamental Rule 5 does not confer any additional power to pass a general order in respect of travelling allowance. (Government of India, Finance Department, No. F.-74 C.S.R., dated the 5th September 1924.)

5A. A local Government may, where power to make rules or general orders is conferred upon it by any of these rules, relax the provisions of rules or orders so made by it in such manner as may appear to it to be just and equitable, subject to the limit of its powers to make such rules or orders.

Provided that where any such rule or order is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or order.

6. A local Government may delegate to any of its officers, subject to any conditions which it may think fit to impose, any power conferred upon it by these rules with the following exceptions :—

- (a) All powers to make rules;
- (b) the other powers conferred by rules 6, 9 (6) (b), 44, 45, 83, 119, 121 and 127 (c), and by the first proviso to clause (1) of rule 30.

N.B.—Powers delegated by the Local Government under different Fundamental Rules are contained in the Delegation Chapter.

7. No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that Department to prescribe, by general or special order, cases in which its consent may be presumed to have been given, and to require that its opinion on any matter on which it has been consulted shall be submitted to the Governor by the consulting department.

8. The power of interpreting these rules is reserved to the Governor-General in Council.

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Chapter II.—Definitions.

1. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the rules in the sense here explained :—

- (1) *The Act* means the Government of India Act.
- (2) *Average pay* means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay :

Provided that—

- (a) in respect of any period spent on deputation out of India which has been declared by the Governor-General in Council to be under quasi-European conditions the pay which the Government servant would have drawn if on duty in India shall be substituted for the pay actually drawn;
- (b) in the case of an officer of the Royal Engineers who entered civil employ on or before the 17th September 1925 and who during any period of the preceding 12 months has undergone military training by being attached to a unit for 1 month, his pay for that particular month shall be assumed to be the pay which he drew in the month immediately preceding his training; and
- (c) the average pay of a military officer who is granted rent-free quarters and thereby foregoes lodging allowance in lieu thereof, shall, if he gives up such quarters before going on leave, be calculated as though he had been drawing during the period of occupation the lodging allowance to which he would otherwise have been entitled.

Note.—The average pay of a member of the Bengal Covenanted Pilot Service shall be calculated at such rates as the Secretary of State in Council may by order prescribe.

Audit Instructions.—(1) In the case of a Government servant of a Vacation Department the vacations falling in the period of 12 complete months immediately preceding the month in which leave is taken should be treated as duty under Fundamental Rule 82 (b), and the emoluments drawn by the Government servant during the vacations should be treated as pay drawn on duty, and should, therefore, be taken into account in determining his leave salary during the succeeding leave (Paragraph 1, Audit Instructions Circular No. 4, dated the 28th May 1923.)

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(2) According to the definition of "average pay" in this rule, the average is to be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave is taken, and for this purpose "the 12 complete months immediately preceding" should be interpreted literally. Thus a Government servant who has been on leave from 23rd March 1922 to 22nd July 1922, inclusive, is granted leave from 4th February 1923. His average pay should be calculated on the pay earned for the periods 1st February 1922 to 22nd March 1922 and 23rd July 1922 to 31st January 1923. If, however, a Government servant happens to be on leave for more than 12 months immediately preceding the date on which he takes leave under the Fundamental Rules, then the average should be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave originally commenced.

Note 1.—In the case of a Government servant on foreign service out of India lasting for more than 12 months, who, on reversion to British service, immediately takes leave under the Fundamental Rules, the calculation of average pay in respect of the leave earned while in Government service should be based on the pay drawn by him during the 12 complete months preceding the month in which he was transferred to foreign service. (Paragraph 1 of Audit Instruction Circular No. 3, dated the 19th March 1923.)

Note 2.—Any period of joining time taken either under clause (b) or under clause (c) of Fundamental Rule 105 during the preceding 12 months should be ignored in calculating average pay as no "pay" is drawn in respect of such joining time. (Paragraph 4 of Audit Instruction Circular No. 16, dated the 16th June 1924.)

(3) In case of a Government servant of a Vacation Department both prefixing and affixing leave to a vacation, the leave salary for the leave affixed should be calculated on the emoluments drawn by the Government servant during the 12 complete months preceding the commencement of his leave. (Circular No. 27-IV, dated the 31st August 1925.)

(3) **Barrister** means a practising Barrister of England or Ireland, and a practising member of the Faculty of Advocates of the Court of Sessions of Scotland. It does not include a person who, though called to the Bar, has never practised the profession of a Barrister.

(4) **Cadre** means the sanctioned strength of a service or of an establishment.

(5) **Compensatory allowance** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance but does not include a sumptuary allowance nor the grant of a free passage by sea to or from any place outside India.

S.R. 3. The following have been declared as compensatory allowances:—

- (1) Allowances granted to professors of Medical Colleges, who are denied the privilege of private practice
- (2) House rent allowances

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- (3) Presidency allowances.
- (4) Town allowances granted to ministerial Government servants.
- (5) Allowances granted in consideration of expensiveness of locality.
- (6) Travelling allowances.
- (7) Exchange compensation allowances.
- (8) Hill allowances.
- (9) Grain compensation allowances.

(6) *Duty* —

(a) Duty includes—

- (i) Service as a probationer or apprentice, provided that such service is followed by confirmation.
- (ii) Joining time.
- (b) A local Government may issue orders declaring that, in circumstances similar to those mentioned below, a Government servant may be treated as on duty :—
 - (i) During a course of instruction or training.
 - (ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a university, college or school, during the interval between the satisfactory completion of the course and his assumption of duties.
 - (iii) During preparation for an examination in any oriental language.
 - (iv) On the first arrival in India of Government servants appointed in England who do not, before they report themselves at the seat of the local Government concerned, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

S.R. 4. In the following cases the services of Government servants are treated as "duty":—

(1) A Government servant is on duty during a duly authorised course of instruction or training and during the time reasonably required for the journeys to and from the place of instruction or training.

Note.—If an officer appearing at a departmental examination is ordered to go direct from the place of examination to a settlement camp for training, he shall be considered to be on duty during the period between the conclusion of his examination and the date on which he joins the settlement camp.

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(2) A student, stipendiary or otherwise, who is entitled to be appointed to the service of Government, on passing through a course of training at a university, college or school, is on duty from the date following that on which the final qualifying examination passed by him ends.

(3) An officer permitted to appear at an optional examination prescribed by Government in any of the oriental languages is on duty during a reasonable period occupied in the journey to and from the place of examination and the day or days of the examination in addition to the time allowed for preparation. In the case of a candidate for the High Proficiency and Degree of Honour Examinations in all vernacular languages, the period allowed for preparation, which will be treated as duty, shall not be more than 3 months. If the examination is by the Higher Standard or High Proficiency in Sanskrit, Arabic or Persian, the candidate will be allowed a period not exceeding 3 months for preparation which will be treated as duty if he undertakes to spend the period in study under professional tuition at any place approved by the Local Government. In the case of the Degree of Honour Examination in Sanskrit, Arabic or Persian, the period for preparation may be extended up to six months if the candidate leaves India for study to Persia for Persian or to Arabia, Mesopotamia, Egypt and Syria for Arabic or to any place approved by the Local Government for Sanskrit. The periods for preparation are not admissible for more than once.

(4) An officer required to attend an obligatory departmental examination is on duty during a reasonable time required for the journey to and from the place of examination and the day or days of the examinations.

(5) An officer permitted to present himself at any examination which must be passed before a person is eligible for a higher subordinate appointment in any service is on duty during the number of days actually necessary to enable him to attend at the examination. This concession is not allowed more than twice for each standard of examination.

(6) Government servants appointed in England who, on their first arrival in India do not, before they report themselves at the seat of Government, receive orders to take charge of a specified post, are on duty during the interval between the date of such report and the date on which they take charge of their duties: provided that the interval between the receipt of orders and their assumption of their duties shall not exceed the amount of joining time which would be admissible to a Government servant entitled to joining time under Fundamental Rule 105 (a).

(7) Transferred.—Public Works Engineer officers appointed from any Civil Engineering College in India are on duty when they are required, under the rules of the Department, to pass obligatory examinations in the vernacular languages, and are granted leave in India, at such time as is convenient, for 3 months for preparing themselves for such examination.

(8) Transferred.—A relieving officer of the Public Works Department is on duty when the charge to be transferred consists of several scattered works which the relieving and relieved officers are required by the orders

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of a superior officer to inspect together, provided the period taken in carrying out these inspections is not considered by the Superintending Engineer to be excessive.

(9) *Reserved*.—Government servants of the Forest Department holding the substantive rank of Assistant Conservators or Extra Assistant Conservators are on duty when they are relieved of the duties of their posts for two periods of 3 months each to qualify themselves to pass the compulsory examination, provided that the test is passed either during the leave or within 3 months after its expiry, and that the examination leave is taken in India.

(7) *Foreign service* means service in which a Government servant receives his substantive pay with the sanction of Government from any source other than the general revenues of India or from a company working a State railway.

(8) *General revenues of India* include the revenues allocated to local Governments and exclude the revenues of local funds.

(9) *Honorarium* means a non-recurring payment made to a Government servant in return for specified service rendered.

(10) *Joining time* means the time allowed to a Government servant in which to join a new post or to travel to or from a station to which he is posted.

(11) *Leave on average (or half or quarter average)* pay means leave on leave-salary equal to average (or half or quarter average) pay, as regulated by rules 89 and 90.

(12) *Leave-salary* means the monthly amount paid by Government to a Government servant on leave.

(13) *Lien* means the title of a Government servant to return in a substantive capacity to a permanent post to which he has been appointed substantively.

S.R. 4. In the case of a Government servant who holds no lien on any appointment except that which is abolished, the abolition of the appointment should be deferred till such leave as was admissible to him immediately before the abolition of the appointment and as may be granted has terminated. The above order does not apply to the holder of a temporary appointment without a lien on a permanent post.

(14) *Local fund* means—

(a) revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or to specific matters, such as

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the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules; and

(b) the revenues of any body which may be specially notified by the Governor-General in Council as such.

(15) *Local Government*, for the purposes of these rules, does not include a Chief Commissioner.

(16) (a) *Military commissioned officer* means a commissioned officer other than—

(i) a departmental commissioned officer;

(ii) a commissioned officer of the Indian Medical Department.

It does not include a warrant officer.

(b) *Military Officer* means any officer falling within the definition of military commissioned officer, or included in sub-clause (i) or (ii) of clause (a) above, or any warrant officer.

(17) *Ministerial servant* means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servant specially defined as such by general or special order of a local Government.

(18) *Month* means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated, and the odd number of days calculated subsequently.

Audit Instructions.—In calculating a period of 3 months and 20 days from 25th January, 3 months should be taken as ending on 24th April, and 20 days on 14th May. In the same way the period from 30th January to 2nd March should be reckoned as 1 month and 2 days, because 1 month from 30th January ends on 28th February. (Paragraph 5 of Audit Instructions issued up to 31st October 1922.)

(19) *Officiate*.—A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. A local Government may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

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S.R. 6. The authority which has power to make a substantive appointment to a vacant post may also appoint a Government servant to officiate in it.

(20) *Overseas pay* means pay granted to a Government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

Secretary of State's Rules regarding the grant of overseas pay.—The rules regulating the grant of overseas pay to Government servants are contained in the Government of India, Finance Department, Resolution No. 1633-Ex., dated the 5th July 1923, reproduced in Appendix No. 3.

(21) (a) *Pay* means the amount drawn monthly by a Government servant as—

(i) the pay, other than special pay or pay granted in view of his personal qualifications which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and.

(ii) overseas pay, technical pay, special pay and personal pay, and

(iii) any other emoluments which may be specially classed as pay by the Governor-General in Council.

(b) In the case of a military officer in receipt of the rates of pay introduced on July 1st, 1924, pay includes the amount which he receives monthly under the following designations :—

(i) pay of appointment, lodging allowance and marriage allowance; and

(ii) pay of rank, command pay, additional pay, Indian Army allowance, lodging allowance and marriage allowance.

(c) In the case of a military officer in receipt of the rates of pay in force before July 1st, 1924,

(i) military pay and allowances and staff salary;

(ii) Indian Army pay and staff salary; and

(iii) consolidated pay.

Government of India's decisions.—(1) The Governor-General in Council has classed "Judicial pay" as "Pay" under this rule (with effect from 1st January 1922). (Government of India, Finance Department, No. 76-E.A., dated the 25th January 1922.)

(2) The Government of India have decided that language allowances shall be termed "Language pay" in future, and that they shall be classed as "Pay" under this rule. (Government of India, Finance Department, Resolution No. 1429-F.E., dated the 14th July 1922.)

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Audit Instructions.—If these are lump sum allowances, they will be dealt with under Fundamental Rule 46. If they are recurring payments, they will fall under Fundamental Rule 9 (21) (a). (Paragraph 6 of the Audit Instructions issued up to 31st October 1922.)

(22) *Permanent post* means a post carrying a definite rate of pay sanctioned without limit of time.

(23) *Personal pay* means additional pay granted to a Government servant—

(a) to save him from a loss of substantive pay due to a revision of pay or to any reduction of his substantive pay otherwise than as a disciplinary measure; or

(b) in exceptional circumstances, on other personal considerations.

Government of India's decision.—(1) The Government of India have declared, with the approval of the Secretary of State, that the personal allowance granted in lieu of exchange compensation allowance referred to in paragraph 3 of Government of India, Finance Department, Resolution No. 1559-E.A., dated the 16th August 1921, and paragraph 4 of Government of India, Finance Department, Resolution No. 591-F.E., dated the 29th March 1922, shall be treated as "Personal pay" for the purpose of calculating leave salary, but not for pension. (Government of India, Finance Department, No. 2660-F.E., dated the 19th December 1922.)

(2) When a Government servant is transferred from a temporary post which is held substantively by him to a permanent post carrying lower pay, personal pay may be granted to him under Fundamental Rule 9 (23) (a), in order to save him from a loss of substantive pay due to the substantive pay of the temporary post being higher than that of the permanent post. Such personal pay should, however, be given only in exceptional cases, after due consideration of the merits of the individual and the length of time he has held the temporary post. (Government of Bengal, Finance Department, No. 364-T.-F., dated the 14th June 1927.)

(24) "*Presumptive pay of a post*, when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties; but it does not include special pay, unless the Government servant performs or discharges the work or responsibility, or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned."

Audit Instructions.—The first part of the definition is intended to facilitate the use of the term in relation to a Government servant who

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has been absent from a post for some time but still retains a lien on it. (Paragraph 7 of the Audit Instructions issued up to 31st October 1922.)

(25) *Special pay* means an addition, of the nature of pay, to the emoluments of a post or of a Government servant, granted in consideration of—

- (a) the specially arduous nature of the duties; or
- (b) a specific addition to the work or responsibility; or
- (c) the unhealthiness of the locality in which the work is performed.

Audit Instructions.—(1) If the allowances granted to medical officers in medical charge of railway employees are paid from general revenues, they may be classified as "Special pay". If they are paid by Companies, they cannot be treated as "Special pay" unless contribution is paid. (Auditor-General Audit Instruction Circular No. 1, dated the 2nd February 1923.)

(2) When special pay has been sanctioned in the form of a portion or percentage of pay in the ordinary line and the pay in the ordinary line includes an element of sterling overseas pay, such special pay should be determined as follows:—

- (a) The special pay is admissible on the sterling overseas pay as well as on the rupee basic pay.
- (b) The special pay must be expressed and drawn wholly in rupees.
- (c) The sterling overseas pay should for the purpose of calculating the special pay be converted into rupees at the current rate of exchange as defined in Article 343, Account Code.

(26) *Statutory civil servant* means a native of India who was appointed, under Notification of the Government of India in the Home Department No. 1534, dated the 22nd August 1879, to an office, place or employment mentioned in section 6 of statute 33, Vict., Chapter 3.

(27) *Subsistence grant* means a monthly grant made to a Government servant who is not in receipt of pay or leave-salary.

(28) *Substantive pay* means the pay other than special pay or pay granted in view of personal qualifications, which a Government servant draws on account of a post which he holds substantively or by reason of his substantive position in a cadre.

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(29) *Technical pay* means pay granted to a Government servant in consideration of the fact that he has received technical training in Europe.

(30) *Temporary post* means a post carrying a definite rate of pay sanctioned for a limited time.

(31) *Time-scale pay* means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to maximum. It includes the class of pay hitherto known as progressive.

(32) *Travelling allowance* means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

GENERAL CONDITIONS OF SERVICE.

PART II.

Chapter III.—General Conditions of Service.

10. Except as provided by this rule, no person may be substantively appointed in India to a permanent post in Government service without a medical certificate of health, which must be affixed to his first pay bill. A local Government may make rules prescribing the form in which medical certificates should be prepared, and the particular medical or other officers by whom they should be signed. It may, in individual cases, dispense with the production of a certificate, and may by general order exempt any specified class of Government servants from the operation of this rule.

Conditions of age and health.

S. R. 7. A person whose age exceeds twenty-five years may not ordinarily be admitted into the service of Government in superior pensionable service, without the sanction of the Head of the Department. The ordinary age-limit is extended to twenty-eight years in the case of a Civil Assistant Surgeon, and thirty years in the case of a person appointed to a judicial office.

Note.—Deputy Inspectors-General of the Bengal Police are also empowered to condone variation from the age-limit.

S. R. 8. A medical certificate of fitness for Government service shall be in the following form, which shall be affixed to the first pay bill of the Government servant, even when he is appointed on probation:—

“I hereby certify that I have examined A. B., a candidate for employment in the.....Department, and cannot discover that.....has any disease, constitutional weakness or bodily infirmity, except.....I do not consider this a disqualification for employment in the office of.....A. B.’s age is, according to.....own statement.....years, and by appearance about.....years.”

S. R. 9. Such a certificate shall be signed by a commissioned medical officer of Government, or by a medical officer in charge of a civil station: Provided that—

- (1) in the case of a female candidate, the local Government may accept a certificate signed by any female medical practitioner: and
- (2) in the case of a candidate for appointment to a post on pay not exceeding fifty rupees, the appointing authority may accept a certificate signed by any officer, irrespective of his medical qualifications.

S. R. 10. No medical certificate is necessary upon a Government servant being promoted from inferior to superior service, whether the previous inferior service was qualifying or not.

11. Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of

GENERAL CONDITIONS OF SERVICE.

the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from a local fund or from the revenues of an Indian State.

12. (a) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(b) A Government servant cannot be appointed substantively, except as a temporary measure, to two or more permanent posts at the same time.

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

13. If a Government servant is transferred to duty which there is reason to believe will not terminate within three years, and retains no connection with his substantive post, a local Government may suspend his lien upon that post and fill it substantively, subject to the condition that the arrangements thus made will be reversed on the return of the Government servant in question. When the Government servant transferred draws pay in a selection grade of a cadre, another Government servant may, subject to the same reservation, be promoted to the selection grade even if no change of duties is involved.

Government of India's decision.—The limit of three years mentioned in this rule, refers to the duration of the duty itself and not to the tenure of appointment by a particular officer. (Government of India, Finance Department, No. 4143-F., dated the 14th August 1900.)

Audit Instruction (provisionally substantive appointment).—The period of three years prescribed in this rule applies to the probable duration of the absence of any particular officer from his own substantive appointment and not to the permanency of the post to which he is transferred.

14. Unless his lien is formally transferred or suspended by the local Government, a Government servant holding substantively a permanent post retains a lien on that post or on a post of the same character in the same cadre,—

- (a) subject to the exception in rule 97, while on leave;
- (b) while on foreign service or holding a temporary post or officiating in another post;
- (c) during joining-time on transfer to another post, unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new

GENERAL CONDITIONS OF SERVICE.

post from the date on which he is relieved of his duties in the old post; and

(d) while under suspension.

Note.—In the case of a chaplain, the acceptance during leave of a benefice in the United Kingdom is not acceptance of foreign service for the purpose of sub-clause (b) above.

15. A Government servant shall not, save in cases of inefficiency or misbehaviour, be transferred substantively to a post carrying less pay than his relative position in the cadre of the service to which he belongs would justify.

16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe.

17. (1) Subject to any exceptions specifically made in these rules and to the provision of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

Secretary of State's ruling regarding the commencement of pay of personnel recruited overseas.—Officers appointed by the Secretary of State elsewhere than in India, who are entitled to first class passages on appointment, shall draw pay on first appointment from the date of disembarkation, subject to their proceeding to take up their duties without avoidable delay. (Government of Bengal, Finance Department, No. 2559-F., dated the 4th July 1928.)

Audit Instructions.—(1) A Government servant will begin to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post, if the charge is transferred before noon of that date. If the charge is transferred in the afternoon, he commences to draw them from the following day. (Paragraph 9 of Audit Instructions issued up to 31st October 1922, and Article 52 (a), Civil Service Regulations.)

(2) A Government servant appointed to the Public Works Department by the Secretary of State begins to draw pay from the date of his landing in India, unless the letter of appointment distinctly specifies another date. (Paragraph 10 of Audit Instructions issued up to 31st October 1922.)

Charge of Office.

S. R. 11. Unless for special recorded reasons of a public nature the Head of a Department under whose orders the transfer takes place, permits or requires it to be made in any particular case elsewhere, or otherwise, the charge of an office must be made over at

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its headquarters, both the relieving and the relieved officers being present.

S. R. 12. The conditions imposed by rule 11 that both the relieving and relieved officer must be present is not enforced in the case of officers who are permitted to combine vacation with leave under Fundamental Rule 82. In such cases the following procedure has been laid down:—

(a) When vacation is prefixed to leave the outgoing officer will report before leaving the headquarters or if for urgent reasons the leave is granted during vacation, as soon as it is granted, that he makes over charge with effect from the end of the vacation. The relieving officer will then take over charge at the end of the vacation in the ordinary way.

(b) When vacation is affixed to leave the officer to be relieved will make over charge in the ordinary way before the vacation, the incoming officer on return at the end of the vacation taking over charge with effect from the beginning of the vacation.

S. R. 13. The headquarters of a Government servant shall be in such a place as a competent authority may prescribe.

Note 1.—The headquarters of an officer are, in the absence of any orders to the contrary, the station where the records of his office are kept.

Note 2.—A list of places declared to be the headquarters of different Government servants is given in Appendix No. 8.

Leaving Jurisdiction.

S. R. 14. No Government servant (other than a Police Officer acting within his legal powers or an Excise Officer acting under the orders of the Collector or any other Superior Authority) is entitled to pay or allowance for any time he may spend beyond the limits of his charge without proper authority.

S. R. 15. A Head of a Department may authorise any Government servant under his administrative control to proceed on duty to any part of British India, whether within or beyond his own jurisdiction, or to any Indian State or Foreign Settlement in India.

Note.—A Government servant permitted under this rule to proceed to any place on duty may take with him such establishment and records as are absolutely necessary for the efficient discharge of his duties.

S. R. 16. A controlling officer (*see S. R. 183*) may allow any Government servant subordinate to him to proceed on duty to any part of the territories of his local Government or to a district or Foreign State or Settlement adjoining the jurisdiction of the controlling officer and to draw travelling allowance under rule.

S. R. 17. When His Excellency the Governor is absent from his jurisdiction, a notification in the Gazette or an order of the local Government will be sufficient authority for the Audit Officer to pass his pay and allowances for the period and those of any member of his personal or Secretariat staff.

18. Unless the Governor General in Council, in view of special circumstances of the case, shall otherwise determine after five years' continuous absence from duty, elsewhere than on foreign service in India, whether with or without leave, a Government servant ceases to be in Government employ.

PART III.**Chapter IV.—Pay.**

19. Subject to the provisions of rules made under section 45-A of the Act, and to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor-General in Council or the Governor in Council, as the case may be, the fixation of pay is within the competence of a local Government; provided that, except in the case of personal pay granted in the circumstances defined in rule § (23) (a), the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

Audit Instructions.—It is not the intention of this rule that it should give a local Government power to grant less pay than is permissible under Fundamental Rules 22 and 23. (Paragraph 3, Audit Instruction Circular No. 10, dated the 15th December 1923.)

20. When a Government servant is treated as on duty under rule 9 (6) (b), the local Government may, at their option, authorise payment to him of the pay of his substantive appointment, or of any lower rate of pay which the local Government may consider suitable. If the duty consists in a course of training or instruction, the pay admissible may, if the local Government so direct, be, instead of either of the rates just specified, the pay of any officiating appointment held by the officer at the time he was placed on such duty, but this rate of pay shall not be allowed for a period longer than that for which the officer would have held the officiating appointment had he not been placed upon a course.

Audit Instructions.—A Government servant who is treated as on duty during a course of instruction or training and who, at the time when he was placed on such duty, was drawing higher pay on account of an officiating appointment, may, on every occasion during the period of instruction or training when he would have held that officiating appointment but for such instruction or training, be allowed to draw pay equivalent to what he would have drawn had he been holding the officiating appointment.

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S. R. 18. (a) A Head of a Department may decide what pay shall be allowed to a Government servant treated as on duty under Fundamental Rule 9 (6) (b) up to the limit of the pay which he would have drawn but for his absence on such duty.

(b) In the case of a non-gazetted Government servant allowed to proceed outside the limits of the province, in which he is serving, the Head of the Department may, at his discretion, grant in addition a compensatory allowance not exceeding one-fifth of his pay, when he considers that the Government servant's expenses exceed those to which he might be put by a temporary transfer on duty within the province in which he is employed. If the place of his duty has been recognised as particularly expensive by the grant of special compensatory allowance to Government servants stationed there, he may be granted additional compensatory allowance similar to the compensatory allowance admissible in such places to a Government servant of his class.

S. R. 19. In the case of a student, who is not in Government service, the Head of the Department may allow such pay, not exceeding Rs. 250 a month, as he considers necessary.

Time-scale Pay.

21. Rules 22 to 29 inclusive and rule 32 apply to time-scales of pay generally. They do not, however, apply to any time-scale sanctioned by the Secretary of State in Council in so far as they are inconsistent with terms specially so sanctioned for such time-scale.

22. When a Government servant is appointed substantively to a post on a time-scale of pay :—

(a) (i) if he has not previously officiated in the post, or
 (ii) if he has officiated in it but his present substantive pay exceeds the pay which he last drew in it,

he will draw as initial pay the pay of the stage in the time-scale next above his present substantive pay, if any, and will draw increments after the periods usually required; and

(b) if he has previously officiated in the post, but his present substantive pay does not exceed the pay which he drew when last officiating,

he will draw initial pay equal to that pay, and will count for increment in that stage the period during which he was drawing the said pay.

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Decision of Governor-General in Council under Fundamental Rule 8.—Reversion to the ordinary cadre of a service from a tenure post included in that cadre or from a tenure or special post not included in it does not constitute "substantive appointment to a post" for the purposes of Fundamental Rule 22. (Government of India, Finance Department, No. F. 15-C.S.R.—27, dated the 22nd January 1927.)

Audit Instructions.—The re-employment of a Government servant after resignation or after discharge on reduction of establishment amounts to a fresh appointment for the purposes of Fundamental Rule 22, and he will therefore draw the minimum of the time-scale. If in any case it is considered that a higher rate of pay should be given, the case can be dealt with under Fundamental Rule 27. (Circular No. 27-I, dated the 31st August 1925.)

23. The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

Audit Instructions.—(1) If the maximum pay of a post is altered with no change in the rate of increment and the minimum, the initial pay of the holder of that post should be fixed under Fundamental Rule 22 (b) and not under Fundamental Rule 22 (a), even though he be holding the post substantively. (Paragraph 2, Audit Instruction Circular No. 8, dated the 15th October 1923.)

(2) This rule applies to an officiating as well as to a substantive holder of a post. (Circular No. 27-XII, dated the 31st August 1925.)

24. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by a local Government, or by any authority to whom the local Government may delegate this power under rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

Government of India's order.—When the authority passing orders to withhold an increment fails to specify clearly for what period the officer is to be deprived of his increments, the deprivation should be held to cease on the expiry of the period during which the officer would have drawn the increment withheld and his future increments should not be withheld. (Government of India, Finance Department, No. 752-C.S.R., dated the 6th July 1919.)

25. Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority empowered to withhold increments.

S.R. 26. On each occasion on which a Government servant is allowed to pass an efficiency bar, which had previously been enforced against him, he should ordinarily proceed from the efficiency bar to the next stage in time-scale. If, however, the authority competent to declare the bar removed is of opinion that the Government servant should be restored to the time-scale at the stage he would have reached but for the operation of the efficiency bar, or at any intermediate stage, specific orders of the local Government must be obtained.

26. The following provisions prescribe the conditions on which service counts for increments in a time-scale :—

- (a) All duty in a post to which a time-scale applies counts for increments in that time-scale.

Audit Instructions.—In the case of a Government servant who, while officiating in one post, is appointed to officiate in another, the period of joining time spent in proceeding from one post to the other should be treated as duty in the post, the pay of which the Government servant draws during the period and will count for increments in the same post under this rule.

In the case of a Government servant who, while officiating in a post, proceeds on training or to attend a course of instruction and who is treated as on duty, while under training the period of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction if he is allowed the pay of the officiating post during such period. (Circular No. 28-I., dated the 19th January 1926.)

- (b) Officiating service in another post, service in a temporary post and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government servant concerned holds a lien, or would hold a lien had his lien not been suspended under rule 13 :

Provided that the local Government shall have power, in any case where they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

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(c) If a Government servant, while officiating in a post, or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is reappointed to the lower post, count for increments in the time-scale applicable to such lower post.

(d) If a Government servant's tenure of a temporary post is interrupted by duty in another post or by leave other than extraordinary leave or by foreign service, such duty, leave or foreign service counts for increments in the time-scale applicable to the temporary post if the Government servant returns to the temporary post:

Provided that the local Government shall have power, in any case where they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

(e) Foreign service counts for increments in the time-scale applicable to—

- the post in Government service on which the Government servant concerned holds a lien, or would hold a lien had his lien not been suspended under rule 13, and
- any post to which he may receive officiating promotion under rule 113 below, for the duration of such promotion.

Secretary of State's decision.—The Secretary of State has decided that Government servants, who under paragraph 4 of Government of India, Finance Department, No. 1079-C.S.R., dated the 26th October 1921, elect the leave rules in the Fundamental Rules and take leave for the first occasion after the introduction of these rules, have the option of drawing, during that portion of leave corresponding to privilege leave, the pay of the post on which they hold a lien; the term "lien" in Fundamental Rule 26 (b) should receive this interpretation which it bears in the Civil Service Regulations. (Government of India, Finance Department, No. F. 60-24-C.S.R., dated the 21st July 1924.)

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Audit Instructions.—(1) The intention of clause (c) is to allow the concession, irrespective of (1) whether the higher post is within or outside the department to which the Government servant belongs, and (2) whether the Government servant, but for his appointment to the higher post, would have continued to officiate in the lower post or not. (Paragraph 6 of Audit Instruction Circular No. 16, dated the 16th June 1924.)

(2) A period of overstayal of leave does not count towards increments under the Fundamental Rules. (Audit Instruction Circular No. 22, dated the 22nd January 1925.)

27. An authority may grant a premature increment to a Government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.

Government of India's order.—In the case of increments granted in advance, it is usually the intention that the officer should be entitled to increments in the same manner as if he had reached his position in the scale in the ordinary course and, in the absence of special orders to the contrary, he should be placed on exactly the same footing as regards future increments as an officer who has so risen. (Government of India, Finance Department, No. 752-C.S.R., dated the 6th July 1919.)

S. R. 21. A proposal to grant an increment of time-scale pay in advance of due date should always be scrutinized with special jealousy; it is contrary to the principle of time-scale pay to grant an increment before it is due, and such a grant should not be recommended or allowed, excepting under circumstances which would justify the grant of personal pay to a Government servant whose pay is fixed, that is to say, seldom if ever.

28. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper.

29. If a Government servant, who has been reduced to a lower grade or post on account of misconduct or inefficiency, is subsequently promoted or reinstated, his previous service in the grade or post from which he was reduced counts for increment unless the authority promoting or reinstating him declares that it shall not so count either in whole or in part.

Pay of Officiating Government Servants.

30. (1) Subject to the provisions of Chapter VI, a Government servant holding one post substantively, who is appointed to officiate in another post, shall not draw enhanced

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pay on account of this officiating appointment unless it is one of those enumerated in the schedule to this rule, or unless it involves the assumption of duties or responsibilities of greater importance than or of a different character from those attaching to the substantive post:

Provided that the local Government may exempt from the operation of this rule any service other than an all-India service which is not organised on a time-scale basis and in which a system of acting promotion from grade to grade is in force at the time of the coming into force of these rules: Provided, further, that the Governor-General in Council may specify posts outside the ordinary line of a service, the holders of which may, notwithstanding the provisions of this rule and subject to such conditions as the Governor-General in Council may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay (whether with or without the extra allowance, if any, attached to such posts) as they would have received if still in the ordinary line.

(2) For the purposes of this rule an officiating post shall not be deemed to involve duties of greater responsibility or of a different character if the officiating post is on the same scale of pay as the substantive post. Any two posts are said to be on the same scale of pay when they fall within a cadre or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility in a service or establishment or group of establishments; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

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Schedule.

- (1) District and Sessions Judges, 1st grade.
- (2) Sub-Collectors, 1st grade, in the Madras Presidency.
- (3) Selection grade of the Indian Police Service.
- (4) Accountants-General, Class I.
- (5) Chief Engineers, Indian Service of Engineers, State Railways.
- (6) Selection posts of Collectors of Customs on pay of Rs. 3,000.

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(7) Selection grade on pay of Rs. 2,500 sanctioned for Postmasters-General who are not members of the Indian Civil Service.

(8) The following grades in the Telegraph Departments:—
(a) Deputy Superintendents. Traffic, 1st class.
(b) Deputy Assistant Engineers, 1st class.
(c) Deputy Assistant Electricians, 1st class.

(9) Commissioners, 1st grade, in the Bombay Presidency.

(10) Second Secretary to the Government of Madras.

31. Subject to the provisions of rules 30 and 35, a Government servant officiating in a post will draw the presumptive pay of that post. If, however, the presumptive pay of the post, whether permanent or temporary, which he holds substantively is greater than the presumptive pay of the new post, he will draw pay equal to the presumptive pay of his substantive post.

Note.—If the post in which a Government servant officiates is tenable by a Government servant of any one of several grades or classes in a cadre and the fixation of the pay of all such grades or classes is within the competence of the local Government, the local Government may permit the officiating Government servant to draw the pay of any one of such grades or classes.

Audit Instructions.—(1) The pay of a Government servant officiating in a post, the pay of which is subject to increase upon the passing of an examination, or upon the completion of a certain period of service, is the pay which he would from time to time receive if he held the post substantively. (Paragraph 11 of Audit Instructions issued up to 31st October 1922.)

(2) The pay of a Government servant officiating in a post, the pay of which has been reduced with effect from the next succession thereto, is the reduced pay. (Paragraph 12 of Audit Instructions issued up to 31st October 1922.)

S. R. 21-A. A clergyman appointed under the orders of the Government to perform the duties of a Chaplain on the regular establishment is entitled to a pay of Rs. 125 a month.

32. A Government servant officiating in a post on a time-scale draws as initial pay the stage of the time-scale next above his substantive pay, if any; provided that, if he has previously officiated in the post or in a post in the same cadre on the same time-scale, his initial pay shall not be less than the pay which he drew when last officiating. All officiating

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service in any stage of the time-scale, whether continuous or not, counts for increment in that stage. If the presumptive pay of the Government servant's substantive post at any time exceeds the pay calculated under this rule, he will draw pay equal to that presumptive pay.

Note.—In cases where the fixation of the time-scale of pay is within the competence of the local Government, the local Government may permit the officiating Government servant to draw as initial pay any stage of the time-scale.

Audit Instructions.—(1) The notes under Fundamental Rules 31 and 32 provide for cases in which the pay of a post is undetermined because the post may be held by a Government servant in any of several grades or in any stage of a time-scale. In such cases local Government have full powers to fix the pay of the officiating Government servant up to the maximum which can be drawn by a substantive holder, provided that such maximum is within their powers of sanction. Cases in which pay has been fixed on the assumption that the post will be held by a member of a particular service will be covered by these notes as well as rule 33 read with rule 21. If the service concerned is an all-India service, rule 21 will apply. If it is not an all-India service, the local Government have full powers, provided that the maximum pay of the post is within their power of sanction. (Paragraph 14 of Audit Instructions issued up to 31st October 1922.)

(2) A time-scale is generally attached to a particular cadre or class in a cadre or a time-scale may be of recent introduction whereas the class to which it is attached may have been in existence before the time-scale came into force, with a different rate of pay attached to it. If a Government servant has officiated in the cadre or class prior to the introduction of the new time-scale and has drawn during the officiating tenure salary equal to a stage or intermediate between two stages in a time-scale then such officiating service may be counted for increment in the same stage or, if the salary was intermediate between two stages, in the lower stage. (Paragraph 13 of Audit Instructions issued up to 31st October 1922.)

33. When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, a local Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

Audit Instructions.—This rule prescribes the initial rate of pay of a Government servant officiating in a post the pay of which has been fixed at a rate personal to another Government servant. If the pay thus personally fixed is on a time-scale it is not intended that an officiating incumbent should be debarred from drawing increments in the time-scale according to the ordinary rules. (Paragraph 15 of Audit Instructions issued up to 31st October 1922.)

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34. If a military officer holding substantively a post in a civil department officiates in a military post, he will draw in the military department the emoluments to which he would have been entitled under military rules had his substantive post been a post under the military department.

35. A local Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

Audit Instructions.—(1) One class of cases coming under this rule is that in which a Government servant merely holds charge of the current duties and does not perform the full duties of the post. (Paragraph 16 of Audit Instructions issued up to 31st October 1922.)

(2) When a Government servant is appointed to officiate in a post, but is allowed no, or less than full officiating pay under this rule, the period for which no, or less than full officiating pay is admissible should be treated for purposes of counting for increments, in the same manner as if full officiating pay had been drawn under Fundamental Rule 32. (Circular No. 27-V, dated the 31st August 1925.)

36. A local Government may issue general or special orders allowing acting promotions to be made in the place of Government servants who are treated as on duty under rule 9 (6) (b).

Personal pay.

37. Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

.Pay of Official Members of the Indian Legislature.

38. A Government servant nominated as a member of the Legislative Assembly or the Council of State shall receive, while serving on the Assembly or the Council, the pay which he would from time to time have drawn had he not been so serving. He shall receive, in addition, such travelling allowance as the Governor-General in Council may fix.

Government of India's decision.—The Government of India have decided that the correct procedure under the Fundamental Rules is to create for the officer selected to attend the session a temporary post for the period of his absence from his headquarters. It will

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then be possible to make arrangements for the performance of his regular duties without departing from the rules. (Government of India, Finance Department, No. 2291-C.S.R., dated the 20th December 1923.)

Pay of temporary posts.

39. When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

40. When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the local Government with due regard to—

- (a) the character and responsibility of the work to be performed, and
- (b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

Audit Instructions.—Under the Fundamental Rules special duty or deputation in India is not recognised. A temporary post must be created for the performance of that duty. If the special duty is to be undertaken in addition to the ordinary duties of the Government servant, then rules 39 and 49 will apply. (Paragraph 17 of Audit Instructions issued up to 31st October 1922.)

41. Cancelled.

Subsistence Grants.

42. A local Government may make a subsistence grant to a Government servant in the following circumstances :—

- (a) To any Government servant other than a military officer, while under suspension.
- (b) To any Government servant appointed in the United Kingdom, up to a maximum of two months, if, on first arrival in India, he is prevented by illness from proceeding to the seat of the Government to which he is attached or to any other station to which he is ordered to proceed direct.

PAY.

43. The amount of subsistence grant shall be regulated as follows :—

(a) In the case of—

- (i) a member of the Indian Civil Service, a statutory civil servant or a military commissioned officer subject to the civil leave rules; or
- (ii) any other Government servant receiving subsistence grant under rule 42 (b),

it shall be such as the Secretary of State in Council may by general order prescribe.

(b) In the case of any Government servant under suspension, other than a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules, it shall be such as the suspending authority may direct, but shall in no case exceed one-fourth of the pay of the suspended Government servant.

Audit Instructions.—While the suspending authority has discretion under this rule to fix the amount of subsistence grant at such figure as he may think fit, subject to the prescribed maximum, he has not authority under clause (b) of Fundamental Rule 53 to refuse a subsistence grant altogether in any case which falls under that clause. (Paragraph 1 of Audit Instruction Circular No. 20, dated the 17th November 1924.)

Secretary of State's Rules under Fundamental Rule 43 (a), regarding Subsistence Grants.—(1) The subsistence grant of a member of the Indian Civil Service, a statutory civil servant or a military commissioned officer subject to the civil leave rules shall be as shown in the following table :—

Period spent by the Government servant on duty in India.	AMOUNT OF THE GRANT.	
	If drawn out of Asia.	If drawn in Asia.
Not more than 8 years	£ 33½	Rs. 333½
More than 8, but not more than 12 years	42½	426½
More than 12, but not more than 16 years	53½	533½
More than 16 years	66½	666½

PAY.

(2) The subsistence grant of a Government servant appointed in the United Kingdom, other than the Government servants mentioned in paragraph (1) above, who, on first arrival in India, is prevented by illness from proceeding to the seat of Government to which he is attached or to any other station to which he is ordered to proceed direct, shall be Rs. 250 or the pay to which he will be entitled when he takes over charge of his duties, whichever is less. (Government of India, Finance Department, No. 421-C.S.R., dated the 10th May 1922.)

S. R. 22. A Government servant of the Marine Department whose duties are not confined to the shore, will draw, in addition to the subsistence grant, rations, or when rations are not issued, compensation in lieu thereof.

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Chapter V.—Additions to Pay.

Compensatory Allowances.

44. Subject to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor-General in Council or the Governor in Council, as the case may be, and to the general rule that the amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, a local Government may grant such allowances to any Government servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn.

Secretary of State's Rules regarding the grant of Exchange Compensation Allowance.—The Secretary of State in Council reserves to himself the power of sanctioning the grant to Government servants of exchange compensation allowance; and has issued the following orders regarding the conditions under, and the rate at, which exchange compensation allowance may be drawn:—

1. In these orders—

- (a) *Current rate of exchange* means the rate of exchange for telegraphic transfers from Calcutta on London on the twentieth day of the month preceding that in which a claim for exchange compensation allowance is made.
- (b) *Exchange compensation allowance* means a compensatory allowance granted to compensate a Government servant for a fall of the sterling value of the rupee below one shilling and six pence.
- (c) *Quarter* means a period of three months ending on the 31st March, the 30th June, the 30th September or the 31st December.

2. The following classes of Government servants may draw exchange compensation allowance:—

- (a) Members of the Indian Police Service, recruited prior to 1906, who were in receipt of the allowance on the date on which these orders came into force.
- (b) Government servants who, on the date on which these orders came into force, were serving under a contract which provided for the grant of the allowance, for so long as they continue so to serve.
- (c) Any other Government servant, whom the Secretary of State in Council, may declare to be eligible for the allowance.

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3. The amount of exchange compensation allowance admissible to a Government servant is the number of rupees by which one-half of his pay falls short of the sum, which, when converted at the current rate of exchange, will yield the sterling equivalent of one-half of his pay converted at the rate of one shilling and six pence: provided that the total amount of exchange compensation allowance drawn by a Government servant in any quarter shall not exceed the number of rupees by which a sum of £250, converted into rupees at the rate of one shilling and six pence, falls short of the rupee equivalent of the same sum when converted at the current rate of exchange.

4. (a) Exchange compensation allowance cannot be drawn by a Government servant while on foreign service or under suspension.

(b) Exchange compensation allowance, if otherwise admissible, may be drawn by a Government servant during the first four months of any period of leave on average pay. (Government of India, Finance Department, Resolution No. 2657 F.E., dated the 19th December 1922.)

Audit Instructions.—The word "drawn" in paragraph 3 of the above Government of India resolution should be interpreted as "earned." (Paragraph 5 of Audit Instruction Circular No. 4, dated 28th May 1923.)

Secretary of State's Rules regarding grant of Free Passages.—The Secretary of State in Council has decided that, with effect from the 1st October 1923, the rates of passage allowance to officers, who are allowed to make their own arrangements, shall be as follows:—

	1st class.	2nd class.
	£ . .	£ . .
Between the United Kingdom and any port in India proper	49 10	39 0
Between the United Kingdom and Aden direct	48 10	38 0
Between the United Kingdom and Rangoon direct	72 0	62 0

These rates are subject to conversion at the market rate of exchange based on the Calcutta Banks' selling rates for demand drafts on London as advised weekly by the Controller of the Currency. (Government of India, Finance Department, No. 280-C.S.R., dated the 21st February 1924.)

The maximum amount of passage allowance payable for a double journey will be the cost to Government of a return ticket by the most economical route. (Government of India, Finance Department, No. F-64-C.S.R./25, dated the 6th March 1925.)

Rules made by the Secretary of State regarding the grant of passages to civilian personnel of British domicile engaged for service in India, who are entitled to second class passages, are given in Appendix No. 24.

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Secretary of State's Rules regarding the grant of Passages.—

(1) These rules may be called the Passage Rules (1925).

(2) A local Government may sanction for any officer whom it has appointed in Europe to the public service in India a free passage to India.

(3) A local Government may sanction for any officer deputed out of India free return passage from India to the country in which the officer is deputed.

(4) A local Government may grant free passages, including travelling expenses by rail to the port of embarkation, in urgent cases where in their opinion it is desirable that an officer, or his dependants, should leave India, and where the pecuniary circumstances of the individuals concerned are such that they are unable to leave without such assistance.

(5) A local Government may sanction a free return passage for any officer entitled to a return passage on the termination of his agreement whose services are retained in the public interest beyond the original period of his engagement. The local Government may also sanction an extension of an original concession in regard to free passages home for an officer's family.

(6) A departmental officer of the commissary class, or a departmental warrant officer, in civil employ, shall be entitled to the same passage concessions as he would receive if he were in military employ.

These rules will have effect from the 21st October 1925. (Government of India, Finance Department, No. F. 200-I-C.S.R.—25, dated the 18th December 1925.)

Audit Instructions.—(1) No revision of claims of travelling allowance is permissible in cases where a Government servant is promoted or reverted or is granted an increased rate of pay with retrospective effect, in respect of the period intervening between the date of promotion or reversion or grant of increased rate of pay, and that on which it is notified, unless it is clear that there has been an actual change of duties. (Paragraph 18 of Audit Instructions issued up to 31st October 1922.)

(2) A Government servant transferred from one province to another will draw travelling allowance for the journey according to the rules in force at the time of transfer in the province to which he is transferred. (Paragraph 19 of Audit Instructions issued up to 31st October 1922.)

NOTE.—An officer transferred from a Military to a Civil Department will draw travelling allowance according to the rules in force in the Civil Department. (Bengal Government, Finance Department, No. 744-F., dated the 17th February 1928.)

(3) "Hill allowance" falls under "compensatory allowance." Local Governments have power to sanction them under Fundamental Rule 44. (Paragraph 20 of Audit Instructions issued up to 31st October 1922.)

(4) This rule does not restrict the power of the Government of India or a Provincial Government to grant free passages to and

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from the United Kingdom to a non-official recruited by them in the United Kingdom on a temporary basis, whether under a formal contract or not, in a case in which according to the interpretation of the expression "temporary post" occurring in the Central and Provincial (Reserved) Audit Resolutions and in Schedule III of the Devolution Rules, as given in a separate Audit Instruction, the Secretary of State's sanction is not required to the temporary appointment. (Paragraph 4 of Audit Instruction Circular No. 19, dated the 15th September 1924.)

(5) *Temporary post.*--When a non-official is engaged temporarily to perform a specified service, outside the ordinary duties appertaining to a member of an all-India service, the criterion to be adopted for determining whether or not the sanction of the Secretary of State in Council is necessary to the appointment as being a "temporary post" within the meaning of the financial rules referred to in clause (4) above shall be whether or not the person so engaged holds or exercises in virtue of his engagement a civil office under Government and thereby becomes subject to the Government Servants' Conduct Rules. For example, a barrister, who in return for a fee agrees to conduct a case on behalf of Government does not become a Government servant nor does he become subject to the Government Servants' Conduct Rules; he does not, therefore, hold a "temporary post" under Government. (Paragraph 5 of Audit Instruction Circular No. 19, dated the 23rd August 1924.)

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Subsidiary Rules for Travelling Allowance under Fundamental Rule 44.

Definitions.

S. R. 23. In these rules—

(a) *Actual travelling expenses* means the actual cost of transporting a Government servant with his servants and personal luggage, including charges for ferry and other tolls and for carriage of camp equipment, if necessary. It does not include charges for hotels, travellers' bungalows or refreshments or for the carriage of stores or conveyances or for presents to coachmen and the like; or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional servants.

(b) *Camp equipage* means the apparatus for moving a camp.

(c) *Camp equipment* means tents and the requisites for pitching and furnishing them or, where tents are not carried, such articles of camp furniture as it may be necessary, in the interests of the public service, for a Government servant to take with him on tour.

(d) *Competent authority*, in relation to the exercise of any power, means the local Government or any authority to which the power is delegated by or under these rules.

NOTE.—A list of authorities competent to exercise different powers delegated under these subsidiary rules is given in the Delegation Chapter.

(e) *Day* means a calendar day, beginning and ending at midnight; but an absence from headquarters which does not exceed twenty-four hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.

(f) *Family* means a Government servant's wife, legitimate children and step-children, residing with and wholly dependent upon him. Except in S. R. 113, it includes in addition his parents, sisters and minor brothers, if residing with and wholly dependent upon him. Not more than one wife is included in a family for the purpose of these rules.

(g) *Hill station* means any place which a competent authority may declare to be a hill station.

Note.—The entire district of Darjeeling is treated as a hill station.

(h) *Holiday* means—

(a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and

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(b) in relation to any particular office, a day on which such office is ordered, by notification of Government in the Gazette, to be closed for the transaction of Government business without reserve or qualification.

(i) *Public conveyance* means a train, steamer or other conveyance which plies regularly for the conveyance of passengers.

(j) *Transfer* means the movement of a Government servant from one headquarters station in which he is employed to another such station, either—

- (a) to take up the duties of a new post; or
- (b) in consequence of a change of his headquarters.

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Chapter I.—Grades of Government Servants.

Section I.—Distribution into Grades.

S. R. 24. General rules.—For the purpose of calculating travelling allowance, Government servants are divided into four grades as follows:—

(a) The first grade includes all officers of Government in receipt of actual pay exceeding Rs. 750 per mensem as well as other officers of the services included in the following schedule:—

Schedule.

- (1) Indian Civil Service.
- (2) Indian Police Service.
- (3) Indian Forest Service.
- (4) Indian Educational Service.
- (5) Indian Service of Engineers.
- (6) Indian Agricultural Service.
- (7) Indian Veterinary Service.
- (8) Indian Medical Service.
- (9) Non-Indian Medical Service officers holding Civil Surgeoncies.
- (10) Officers holding appointments reserved for or included in the cadre of the all-India Services.
- (11) Subdivisional Officers and Additional Subdivisional Officers, except for journeys on transfer.
- (12) Assistant Secretaries to the Government of Bengal.

(b) The second grade includes all Government servants in receipt of actual pay of not less than Rs. 150, but not exceeding Rs. 750 and not included in the first grade.

(c) The third grade includes all other Government servants in superior service except those specifically classed under the fourth grade.

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(d) The fourth grade includes forest guards, police constables, jail warders, buglers, sepoys and recruit boys of the Military Police, and all Government servants in inferior service.

NOTE.—The class of an officer should be determined with reference to his "pay" as defined in Fundamental Rule 9(21); and not with reference to his substantive pay.

S. R. 25. Special concession.—A competent authority may, for reasons which should be recorded, order that any Government servant or class of Government servants shall be included in a grade higher than that prescribed in rule 24.

NOTE 1.—All Chaplains under the administrative control of the Bengal Government will be treated as officers of the first grade.

NOTE 2.—Senior Military Assistant Surgeons with commissioned rank of Major, Captain and Lieutenant and Civil Assistant Surgeons who on return from military duty have been, or will be, permitted to retain their honorary rank in the Indian Medical Service, shall be classified as first grade officers.

NOTE 3.—Subedars and Jamadars of the Eastern Frontier Rifles shall be treated as officers of the second grade.

S. R. 26. Government servants in transit from one post to another.—A Government servant in transit from one post to another ranks in the grade to which the lower of the two posts would entitle him.

S. R. 27. Part-time Government servants, etc.—A Government servant whose whole time is not retained for the public service, or who is remunerated wholly or partly by fees, ranks in such grade as a competent authority may declare.

NOTE 1.—(a) The following Government servants are first grade officers for the purpose of the travelling allowance rules:—

- (1) The Government Counsel, High Court.
- (2) The Public Prosecutor of the 24-Parganas.
- (3) The Superintendent, Research Tannery Institute.
- (4) The Senior and the Assistant Government Pleaders, High Court.

(b) The following are second grade officers:—

Government Pleaders and Public Prosecutors other than those mentioned in clause (a) above.

NOTE 2.—Travelling expenses paid to legal practitioners other than Government Pleaders and Mukhtears are treated as a contingent charge, rules regarding which will be found in the "Bengal Audit Manual."

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Chapter II.—The Different Kinds of Travelling Allowance.

Section II.—General.

S. R. 28. General rule.—The following are the different kinds of travelling allowances which may be drawn in different circumstances by Government servants:—

- (a) Permanent travelling allowance.
- (b) Conveyance or horse allowance.
- (c) Mileage allowance.
- (d) Daily allowance.
- (e) The actual cost of travelling.

The rules in this chapter explain the nature of these allowances and the method of calculating them. The circumstances in which they can be drawn for particular journeys are described in Chapters III to V.

NOTE.—For rules governing the grant of subsistence and travelling allowances in the United Kingdom and outside India, see Appendix No. 25.

Section III.—Permanent Travelling Allowance.

S. R. 29. Conditions of grant.—A permanent monthly travelling allowance may be granted by a competent authority to any Government servant whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance for journeys within the Government servant's sphere of duty and is drawn all the year round, whether the Government servant is absent from his headquarters or not.

NOTE.—A list of Government servants to whom permanent monthly travelling allowance has been granted is given in Appendix No. 4.

S. R. 30. When inadmissible.—A permanent travelling allowance cannot be drawn during joining time nor, unless in any case it be otherwise expressly provided in these rules, during any period for which travelling allowance of any other kind is drawn. Its drawal during leave is governed by rules made under Fundamental Rule 93.

S. R. 31. Combination of posts.—When a Government servant holds, either substantively or in an officiating capacity, two or more posts to each of which a permanent travelling allowance is attached, he may be granted such permanent travelling allowance, not exceeding the total of all the allowances, as the competent authority may consider to be necessary in order to cover the travelling expenses which he has to incur.

Section IV.—Conveyance and Horse Allowance.

S. R. 32. Conditions of grant.—A competent authority may grant, on such conditions as it thinks fit to impose, a monthly conveyance or horse allowance to any Government servant who is required to travel

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extensively at or within a short distance from his headquarters under conditions which do not render him eligible for daily allowance. The competent authority should also decide at the time of granting the allowance if a Government servant should give, for purposes of audit, a certificate of possession of a means of conveyance.

NOTE 1.—Conveyance, horse and motor-car allowances are subject to the following maxima:—

	Rs.
(i) For one horse—	
In Calcutta 35	
In other expensive places 30	
In ordinary places 25	
(ii) For two horses—	
Expensive places 60	
Ordinary places 50	
(iii) For a horse and carriage 50	
(iv) For a pony—	
Expensive places 20	
Ordinary places 15	
(v) For occasional conveyance in and about a large town—	
Officers on pay over Rs. 300 Nil.	
Chaplains and officers on pay of Rs. 100 and not exceeding Rs. 300 20	
Officers on pay below Rs. 100 15	
(vi) For a motor-car, four-seated 150	
(vii) For a motor-car, two-seated 100	
(viii) For a motor-cycle 50	
(ix) Boat allowances according to circumstances of each case.	

A certificate of maintenance is required for audit purposes.

NOTE 2.—A list of Government servants to whom monthly conveyance or horse allowance has been granted is given in Appendix No. 5.

NOTE 3.—An Assistant or Sub-Assistant Surgeon may be granted by the local Government a special daily conveyance allowance for the periods during which, on account of epidemics, he has an unusual amount of travelling to do.

NOTE 4.—Any Government servant summoned temporarily on duty to Calcutta may be granted such conveyance allowance not exceeding Rs. 3 a day as the local Government think fit, provided that the Government servant may not draw conveyance allowance if or while he is entitled to a daily travelling allowance.

Exception.—Indian Veterinary Service Officers coming from other provinces to conduct examinations at the Bengal Veterinary College, Calcutta, will be given a conveyance hire of Rs. 9 a day in addition to the usual daily allowance of Rs. 12, during the period for which they conduct examinations at that college.

S. R. 32. When drawn.—Except as otherwise provided in these rules and unless the authority sanctioning it otherwise direct, a conveyance or horse allowance drawn all the year round is not forfeited.

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during absence from headquarters and may be drawn in addition to any other travelling allowance admissible under these rules: Provided that a Government servant, who is in receipt of a conveyance allowance specifically granted for the upkeep of a motor-car or motor-cycle, shall not draw mileage or daily allowance for a journey by the motor-car or motor-cycle, beyond a radius of 5 miles from the headquarters, when the journey out and back is completed in one day.

Exceptions.—The Government of Bengal exempts the following Government servants stationed in Calcutta, its suburbs and Barrackpore from the operation of the above rule:—

- (1) Executive Engineer, 1st, 2nd and 3rd Calcutta Divisions.
- (2) Executive Engineer, Electrical Division.
- (3) Chief Inspector and Inspectors of Factories.
- (4) Chief Inspector and Inspectors of Steam Boilers.
- (5) Chief Inspector and Inspectors of Smoke Nuisance.
- (6) Assistant Electric Inspector to the Government of Bengal.
- (7) Certifying Surgeon of Factories.

S. R. 34. During leave and joining time.—The drawal of a conveyance allowance during joining time under Fundamental Rule 105(a), or during leave is governed by S. R. 305(A) and S. R. 264 respectively.

Exception.—A Government servant in receipt of a pony or horse allowance may draw such allowance during joining time provided—

- (a) that he continues to maintain a pony or horse, and
- (b) that he is entitled to draw a similar allowance in the post to which he is transferred.

Section V.—Mileage Allowance.

Sub-section (1).—GENERAL.

S. R. 35. Definition.—A mileage allowance is an allowance, calculated on the distance travelled, which is given to meet the cost of a particular journey.

S. R. 36. Principles of calculation.—(a) For the purpose of calculating mileage allowance, a journey between two places is held to have been performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short: Provided that, when there are alternative railway routes and the difference between them in point of time and cost is not great, mileage allowance should be calculated on the route actually used.

(b) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling. In case of doubt, a competent authority may decide which shall be regarded as the shortest of two or more routes.

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(c) If a Government servant travels by a route which is not the shortest but is cheaper than the shortest, his mileage allowance should be calculated on the route actually used.

Note.—When a Government servant travels by a route which is not the direct or the cheapest route, it is necessary that he should show in the travelling allowance bill, the details of the journey and the various stages by which it was made. It is for the Controlling Officer to say whether it was necessary for the Government servant to travel by these stages.

S. R. 37. Special concessions.—A competent authority may, for special reasons which should be recorded, permit mileage allowance to be calculated on a route other than the shortest or cheapest: Provided that the journey is actually performed by such route. Where, however, this concession is allowed because the shortest route was impracticable for travelling at the time the journey was performed, the competent authority should obtain and record a certificate from the Collector of the district that no shorter route was practicable than that which was adopted.

S. R. 38. Point of commencement and end of journey.—The point in any station at which a journey is held to commence or end is the chief public office or such other point as may be fixed for the purpose by a competent authority.

Note 1.—When an officer travels from, or to, a place which is the headquarters of a police-station, his journey should, for the purposes of calculating travelling allowance, be held to commence from, or end at, the police-station.

Note 2.—The Court-house of the Chief Local Executive Authority should be considered as the point from which a journey is held to commence or at which it is held to end.

Note 3.—In cases of Government servants attached to the Bengal Engineering College, Sibpur, the point from which journeys should be held to commence is the college, and the shortest route between the college and Calcutta is by ferry steamer via Chandpal Ghat. As the distance is thus less than 5 miles, Government servants attached to the college are not entitled to any travelling allowance for journeys to Calcutta except ferry tolls (*vide* Subsidiary Rule 89).

S. R. 39. Different rates for different classes of journey.—Mileage allowance is differently calculated, as shown in the following rules, according as the journey is, or could be made by railway, by steamer, or by road.

SUB-SECTION (II).—MILEAGE ALLOWANCES FOR JOURNEYS BY RAILWAY.

S. R. 40. Classes of accommodation for which Government servants are considered to be eligible.—For the purpose of calculating mileage allowance, Government servants when travelling by railway are considered to be entitled to class accommodation according to the following scale:—

(a) A *Government servant of the first grade.*—Accommodation of the highest class, by whatever name it may be called, provided on the railway by which he travels.

(b) A *Government servant of the second grade.*—Second or, if the line by which he travels provides no second class accommodation on any train, highest class.

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(c) *A Government servant of the third grade.—*

- (i) If travelling on the Darjeeling-Himalayan Railway, except the Siliguri-Kissenganj extension, third class.
- (ii) If travelling on any other railway which provides no intermediate class accommodation on any of the trains which stop at the stations to and from which he is travelling, including the Siliguri-Kissenganj extension—
 - (1) where there are two classes only, lower class, and
 - (2) where there are three classes, second class, if his pay is not less than Rs. 50 and third class, if it is less than Rs. 50.
- (iii) If travelling on any railway which provides intermediate class accommodation on trains which stop at the stations to and from which he is travelling, intermediate class.

(d) *A Government servant of the fourth grade.—The lowest class, whether it be called lower, third or fourth.*

Note.—The expression “where there are two classes only” in this rule is to be taken as meaning where only two such classes are provided in the general passenger trains of the railway concerned.

S. R. 41. Special concessions.—A competent authority may, for special reasons which should be recorded, declare any particular Government servant or class of Government servants to be entitled to accommodation of a higher class than that prescribed for his grade in clause (b), (c) or (d) of rule 40.

S. R. 42. The mileage allowance admissible to a Government servant of the 1st, 2nd or 3rd grade is one and three-quarter fares of the class in which he is entitled to accommodation, except in the case of—

- (1) journeys on transfer,
- (2) journeys under 75 miles and an absence from headquarters of more than 24 hours, both conditions to be fulfilled, and
- (3) journeys of Government servants required to accompany the Government of Bengal to Darjeeling, which are governed by the Darjeeling Allowance Code,

in which case double fare will be allowed. The mileage allowance admissible to a Government servant of the 4th grade is the fare of the lowest class.

S. R. 43. Where the class to which the Government servant is entitled is not provided on the train.—If a Government servant of the second or third grade actually travels by a train which does not provide the class of accommodation to which he is entitled under rule 40, he may be allowed to draw the mileage allowance of the next higher class: Provided that the controlling officer attaches to his travelling allowance bill a certificate that it was necessary in the

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public interest that he should travel by that train. This concession does not apply to a Government servant of the third grade whose pay is less than Rs. 50 and who travels on a line which provides intermediate class accommodation on one or more of its trains but not on the particular train on which he travels, if there be third class accommodation on that train. Such a Government servant is restricted to mileage allowance calculated for intermediate class accommodation.

S. R. 44. Through booking.—When through booking involves the payment, for part of a journey, of rates for accommodation of a class higher than that to which the Government servant concerned is entitled, the Government servant may draw mileage allowance based on the higher rates for that part of the journey.

SUB-SECTION (III).—MILEAGE ALLOWANCES FOR JOURNEYS BY SEA OR RIVER IN A STEAMER.

S. R. 45. Classes of accommodation to which Government servants are considered to be entitled.—For the purpose of calculating mileage allowance for journeys by sea or river in a steamer, Government servants are considered to be entitled to class accommodation according to the following scale:—

- (a) *A Government servant of the first grade.*—Highest class.
- (b) *A Government servant of the second grade.*—Second class or if there is no second class accommodation in the steamer by which he travels, first class.
- (c) *A Government servant of the third grade.*—If there be two classes only on the steamer, the lower class; if there be three classes, middle or second class; if there be four classes, third class:

Provided that a competent authority may direct that any Government servant whose pay does not exceed Rs. 35 is entitled, for journeys generally or for particular journeys, to accommodation in the lowest class only.

- (d) *A Government servant of the fourth grade.*—Lowest class.

Note 1.—A steam vessel of more than 90 tons gross tonnage, or one of whatever size which belongs to a regular steamer service for the conveyance of passengers at fixed fares is "a steamer" for the purpose of regulating travelling allowances.

Note 2.—Arrangements for free passages of Government servants by steamers to London should be made by recognised shipping companies through the Audit office.

S. R. 46. Rates of mileage allowance.—The mileage allowance admissible to a Government servant of the first, second or third grade is double the fare of the class in which he is entitled to accommodation. The mileage allowance admissible to a Government servant of the fourth grade is the fare of the lowest class.

In cases where the steamer company has two rates of fare, one inclusive and one exclusive of diet, the word "fare" in this rule should be held to mean fare exclusive of diet.

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S. R. 47. Special concessions.—In cases of doubt or in which, owing to the arrangement of classes on a steamer, the provisions of rule 45 if strictly construed involve hardship, a competent authority may decide, for journeys generally or for particular journeys, to what class of accommodation a Government servant is entitled; and whether, if a concession is sanctioned, he should be granted the full allowance admissible for the higher class in which he is permitted to travel.

Note.—Assistant Inspectresses of Schools and female inspecting Government servants of similar position are allowed first class accommodation for journeys by steamer.

S. R. 48. Crossing a river or arm of the sea.—The rules in this sub-section apply to Government servants who cross a river or arm of the sea by steamer in the course of a journey, unless such crossing occurs during a railway journey and the charge for it is included in the railway fare. In the latter case, the crossing is treated as part of the railway journey.

Note.—The following journeys are not “river crossings” within the meaning of this rule:—

- (i) Between Goulundo and Narayanganj.
- (ii) Between Chandpur and Narayanganj.

S. R. 49. Travelling by Government steamer.—If suitable accommodation on a Government vessel is offered to a Government servant, he is entitled to travelling allowance under rule 173 and not to mileage allowance. It is not open to him to refuse to accept such accommodation and to draw mileage allowance.

SUB-SECTION (iv).—MILEAGE ALLOWANCE FOR JOURNEYS BY ROAD.

S. R. 50. Definition of travelling by road.—For the purpose of these rules, travelling by road includes travelling by sea or river in any vessel other than a steamer and travelling by canal.

S. R. 51. Ordinary mileage rates.—(a) For journeys by road, mileage allowance is calculated at the following rates for each mile travelled:—

- A Government servant of the first grade*—8 annas.
- A Government servant of the second grade*—4 annas.
- A Government servant of the third grade*—2 annas.
- A Government servant of the fourth grade*—1 anna.

(b) When a Government servant travels within the territories administered by a local Government which has fixed special rates for Government servants under its administrative control, he must draw mileage allowance at the rate so fixed for his grade.

Note 1.—Road mileage is admissible to an officer performing journeys by motor-car between places connected by rail, if any public interest is served by the road journey, which would not have been served had the officer travelled by rail, such as the savings of public time or inspection en route, etc. The necessity for such road journeys should be clearly set forth in the travelling allowance bill.

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NOTE 2.—In cases where the journey is made by a service open to the public on hire, the mileage allowance shall not exceed twice the actual fare charged. If, however, the controlling officer is satisfied that the journey was actually performed in a private or hired conveyance, he may allow such mileage as is admissible under the rules for journeys by road. The bill for the travelling allowance should be supported by a certificate to the effect that the journey was actually performed by a private or hired conveyance.

NOTE 3.—When a tour by motor-car or motor-cycle commences from a place distant from headquarters and there is rail communication between that place and headquarters, the charge on account of the journey to such place shall be limited to the amount chargeable had the Government servant proceeded there by rail. It should seldom be necessary to take the motor to such place by rail.

S. R. 52. Special concessions.—A competent authority may, for special reasons to be recorded, allow to a particular Government servant or class of Government servants mileage allowance at a higher rate than is prescribed in rule 51.

NOTE.—The following special rates of mileage allowance have been granted by the local Government:—

- (1) Assistant Inspectors of Schools for Muhammadan Education and Assistant Inspectresses of Schools—6 annas.
- (2) Settlement and Assistant Settlement Officers, Settlement Kanungos appointed as Technical Advisers and Officers of the Provincial Service, now called class II of the Survey of India—50 per cent. extra subject to maxima of 8 annas.
- (3) Superintendents of Excise and Salt on pay ranging from Rs. 275 to Rs. 750 and Inspectors in charge of districts—6 annas.
- (4) Indian Aide-de-Camp to His Excellency the Governor, when accompanying His Excellency on tour (first grade rate)—8 annas.

S. R. 53. Treatment of fractions of a mile.—In calculating mileage allowance for journeys by road, fractions of a mile should be omitted from the total of a bill for any one journey but not from the various items which make up the bill.

Section VI.—DAILY ALLOWANCES.

S. R. 54. Definition.—A daily allowance is a uniform allowance for each day of absence from headquarters, which is intended to cover the ordinary daily charges incurred by a Government servant in consequence of such absence.

NOTE 1.—For absence from headquarters not exceeding 24 hours beginning and ending in different calendar days, a Government servant is restricted to one day's daily allowance, which may be exchanged for mileage, rail fare or steamer fare under the provision of rule 81.

NOTE 2.—When a Government servant leaves his headquarters on one day and returns the next and claims daily allowance for more than one day, the hours of departure from and of return to headquarters must be given in the bill.

NOTE 3.—When daily allowance is claimed for journeys by road on tour, the distance travelled on the day of departure from and on the day of return to headquarters should always be stated in the bill.

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S. R. 55. General rule as to drawing of daily allowance.—Unless in any case it be otherwise expressly provided in these rules, a daily allowance may be drawn while on tour by every Government servant whose duties require that he should travel, and may not be drawn except while on tour.

S. R. 56. (a) Daily allowances are drawn on the following scale:—

- (i) A Government servant of the first grade, Rs. 6.
- (ii) A Government servant of the second grade, annas 5 for every Rs. 25 or fraction of Rs. 25 of his pay, subject to a maximum of Rs. 4.
- (iii) A Government servant of the third grade, annas $2\frac{1}{2}$ for every Rs. $12\frac{1}{2}$ or fraction of Rs. $12\frac{1}{2}$ of his pay, subject to a minimum of annas 5.
- (iv) A Government servant of the fourth grade, annas 4 if he travels outside the province, and annas 3 if he travels within the province.

(b) When a Government servant travels within the territories administered by a local Government which has fixed special rates of daily allowance for Government servants under its administrative control, he must draw daily allowance at the rate so fixed for his grade.

NOTE.—Members of the Executive Council, Ministers and the President of the Bengal Legislative Council will draw daily allowance admissible under S. R. 95 and S. R. 98, respectively, for all journeys in India whether inside or outside Bengal.

S. R. 57. Special concessions.—A competent authority may, for reasons which should be recorded and on such conditions as it may think fit to impose, sanction for any Government servant or class of Government servants a daily allowance higher or lower than that prescribed in rule 56.

NOTE.—A list of special rates of daily allowance for different Government servants is given in Appendix No. 6.

Section VII.—Actual Expenses.

S. R. 58. Actual expenses not admissible except under specific rule.—Unless in any case it be otherwise expressly provided in these rules, no Government servant is entitled to be provided with means of conveyance by, or at the expense of Government, or to draw as travelling allowance the actual cost or part of the actual cost of travelling.

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Chapter III.—Travelling Allowance admissible for Different Classes of Journey.**Section VIII.—General.**

S. R. 50. Travelling allowance calculated with reference to the purpose of the journey.—The travelling allowance admissible to a Government servant for any journey is calculated with reference to the purpose of the journey in accordance with the rules laid down in sections IX to XX.

S. R. 50. Recovery of cost of transporting personal luggage, etc.—Unless in any case it be otherwise expressly provided in these rules, a Government servant making a journey for any purpose is not entitled to recover from Government the cost of transporting his family or his personal luggage, conveyances, tents and camp equipage.

S. R. 51. Higher rates for journeys in expensive localities.—A competent authority may, by general or special order, direct that the ordinary rates of daily allowance or mileage allowance, prescribed by S. R. 56 and S. R. 51, respectively, or both, shall be increased either in a definite ratio or in any other suitable manner for any or all Government servants travelling in any specified locality in which travelling is unusually expensive.

NOTE.—A list of special rates of daily allowance and mileage admissible to all Government servants travelling in special localities is given in Appendix No. 7. A Government servant mentioned in this Appendix cannot draw more even though he may, under the ordinary rules, be entitled to a higher rate.

S. R. 52. Journeys by special conveyance.—When a Government servant of a grade lower than the first grade is required by the order of a superior authority to travel by special means of conveyance, the cost of which exceeds the amount of the daily allowance or mileage allowance admissible to him under the ordinary rules, he may draw the actual cost of travelling in lieu of such daily or mileage allowance. The bill for the actual cost must be supported by a certificate, signed by the superior authority and countersigned by the controlling officer, that the use of the special means of conveyance was absolutely necessary and specifying the circumstances which rendered it necessary.

Note 1.—It is not intended that any general orders should be given or that any general practice should prevail allowing a certain class of officials actual expenses for all journeys performed. The fact that travelling in any particular locality is unusually expensive does not warrant the indiscriminate use of this rule.

Note 2.—The local Government have declared that boats shall be regarded as special means of conveyance for purposes of this rule in the case of all subordinate Government servants of the Forest Department.

Note 3.—The Audit Officer will report for the orders of the local Government any cases in which the concession appears to have been improperly granted.

S. R. 53. A Government servant of the fourth grade travelling by steamer.—A Government servant of the fourth grade, when travelling by steamer, may draw, in addition to mileage allowance, daily allowance at double the rate ordinarily admissible to him:

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Provided that, whatever be the nature of other journeys which may be combined with the steamer journey, no further daily allowance may be drawn for any day for which this double allowance is drawn.

Section IX.—Journey on Tour.

SUB-SECTION (I).—GENERAL RULES.

S. R. 64. Definition of headquarters.—For a definition of headquarters, see S. R. 13.

S. R. 65. Limits of sphere of duty.—A competent authority may define the limits of the sphere of duty of any Government servant.

Note.—A list showing the limits of the sphere of duty of different Government servants is given in Appendix No. 9.

S. R. 66. Definition of tour.—A Government servant is on tour when absent on duty from his headquarters either within or, with proper sanction, beyond his sphere of duty. For the purposes of this section, a journey to a hill station is not treated as a journey on tour.

Note.—Reserved.—A Superintendent or Assistant Superintendent of Police is not held to be on tour when he visits a police-station unless—

- (a) travels not less than twenty miles in one day, or
- (b) he is absent from his headquarters for two or more consecutive nights and visits two or more police-stations or posts.

This note applies to casual visits to police-stations. Subject to the rules in sub-section (III) of this section, it does not apply in the case of Government servants employed in investigating a case of dacoity, in looking after a bad character, or in other genuine police work, which, in the opinion of the controlling officer, rendered necessary a visit to a police-station.

S. R. 67. In case of doubt a competent authority may decide whether a particular absence is absence on duty for the purpose of rule 66.

Note.—In the following cases the absences have been declared as "absence on duty" for the purpose of rule 66 and the travelling allowance is met from provincial revenues:—

- (1) Official members absent to attend meetings of District and Local Boards.
- (2) Government servants in Eastern Bengal attending meetings of the Senate of the Calcutta University.
- (3) Subordinate Judicial Officers temporarily deputed to hold court at another station.
- (4) A Medical Officer summoned under orders of the Surgeon-General to another station for consultation with another Medical Officer in attendance on a Government servant entitled to free medical relief.
- (5) A Government servant deputed under the advice of the Civil Surgeon or any other Government Medical Officer to accompany another Government servant proceeding on leave on medical certificate or to procure further medical advice, when the Civil Surgeon or other Medical Officer considers that it would not be safe for him to make the journey without attendance on the way.
- (6) A Government servant deputed to be a "sick attendant" under rule 296 of the Eastern Frontier Regulations, 1922.

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(7) Presidency Senior Chaplains of the Church of Scotland absent to hold annual conferences.

(8) A Government servant summoned from one station to another for inspection by the proper authority before selection as candidate for a post, provided the Head of the Department certifies that the journey was undertaken in the interests of the public service.

(9) A Government servant summoned to attend a Chapter of the Star of India or of the Indian Empire.

S. R. 68. Restrictions on the duration and frequency of tours.—A competent authority may impose such restrictions as it may think fit upon the frequency and duration of journeys to be made on tour by any Government servant or class of Government servants.

S. R. 69. Government servants who are not entitled to travelling allowance for journeys on tour.—If a competent authority declares that the pay of a particular Government servant, or class of Government servants has been so fixed as to compensate for the cost of all journeys, other than journeys by rail or steamer, within the Government servant's sphere of duty, such a Government servant may draw no travelling allowance for such journeys. He may, however, draw mileage allowance, or, if he be a fourth grade officer, travelling allowance under rule 83, for journeys by rail or steamer. When travelling on duty, with proper sanction, beyond his sphere of duty, he may draw travelling allowance calculated under the ordinary rules for the entire journey, including such part of it as is within his sphere of duty.

Note 1.—This rule does not apply to cases when a Government servant in order to shorten his journey to some place within his jurisdiction has to pass through stations, not situated within his jurisdiction.

Note 2.—A list of Government servants not entitled to travelling allowance for journeys on tour is given in Appendix No. 10.

Note 3.—(1) Head-constables and constables on escort duty outside their jurisdiction should be allowed to draw the actual cost of the conveyance of their baggage by road, in addition to the daily allowance admissible to them under the ordinary rules. When the journey beyond jurisdiction exceeds 20 miles by road these Police officers can exchange the daily allowance *plus* actual baggage expenses for mileage allowance, but in that case actual baggage expenses cannot be charged in addition.

(2) Constables when deputed on duty (other than escort beyond their jurisdiction to a place more than 15 miles from headquarters) are entitled to a daily allowance of 4 annas. When the journey performed by road beyond jurisdiction (including such part of it as lies within jurisdiction) exceeds 20 miles on "any day," and is to a place more than 15 miles from their headquarters, they can draw mileage in lieu of daily allowance.

S. R. 70. General principles on which travelling allowance is for journeys on tour.—The travelling allowance drawn by a Government servant on tour ordinarily takes the shape of either permanent travelling allowance or daily allowance, if either of these is admissible to him. Permanent travelling allowance and daily allowance may, however, in certain circumstances be exchanged for mileage allowance or for the whole or part of the actual cost of travelling. In certain other circumstances actual cost may be drawn in addition to daily allowance or for journeys for which no daily allowance is admissible.

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S. R. 71. Carriage of tents supplied by Government.—(a) A competent authority may prescribe the scale of Government tents to be supplied to any Government servant or class of Government servants for office or, if it think fit, for personal use.

(b) When such tents are used by a Government servant on tour for office purposes only, they may be carried at Government expense.

When used partly for office and partly for private purposes, the Government servant must, except as provided in rule 86, pay half the cost of carriage. When used wholly for private purposes, the Government servant must, except as provided in rule 86, pay the entire cost of carriage.

Note 1.—The scale of Government tents by weight (and not by number or size), as given in Appendix 12 should be taken as the scale of Government tents that may be supplied to any Government servant for office or for personal use.

Note 2.—Government servants who are allowed tents for their office establishments only are not entitled, when they go into camp without an office establishment, to the use of tents at Government expense, and must therefore bear the whole cost of their carriage.

SUB-SECTION (II).—GOVERNMENT SERVANTS IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCE.

S. R. 72. Actual expenses in addition to, or in exchange for, permanent travelling allowance.—A permanent travelling allowance is intended to cover the cost of all journeys within the sphere of duty of the Government servant who draws it, and such Government servant may not draw any other travelling allowance in place of, or in addition to, permanent travelling allowance for such journeys: Provided that—

(1) a Government servant of the fourth grade and any other class of Government servants to which a competent authority may extend this concession may draw, in addition to permanent travelling allowance, single fare for a journey by rail, and

Note.—Munshis and clerks attached to Canal Divisions of the Public Works Department on receipt of permanent monthly travelling allowance may draw single fare for a journey by rail in addition.

(2) a competent authority may, by general or special order, permit a Government servant whose sphere of duty extends beyond the limits of a single district to draw, in addition to permanent travelling allowance, whenever his actual travelling expenses for a duly authorised journey by public conveyance exceed double the amount of his permanent travelling allowance for the period occupied in such journey, the difference between such double permanent travelling allowance and the mileage allowance calculated for the journey.

S. R. 73. Mileage allowance in exchange for permanent travelling allowance.—When a Government servant in receipt of permanent travelling allowance travels on duty, with proper sanction, beyond his sphere of duty, he may draw mileage allowance, as provided in rule 81 for the journey, including such part of it as is within his

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sphere of duty, and may draw, in addition, permanent travelling allowance for any day of his absence for which he does not draw mileage allowance. This rule does not apply to a Government servant who travels beyond his sphere of duty in the course of a journey from one place within that sphere to another such place.

SUB-SECTION (III).—GOVERNMENT SERVANTS NOT IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCE.

Subdivision 1.—Daily allowance.

S. R. 74. General rule.—Except where otherwise expressly provided in these rules, a Government servant not in receipt of permanent travelling allowance draws travelling allowance for journeys on tour in the shape of daily allowance.

S. R. 75. Drawn during absence from headquarters on duty.—Daily allowance may not be drawn except during absence from headquarters on duty. A period of absence from headquarters begins when a Government servant actually leaves his headquarters and ends when he actually returns to the place in which his headquarters are situated, whether he halts there or not.

Note.—Daily allowance for halts at the local Government's permanent headquarters in the plains during the stay of the local Government at the hills is admissible to a Government servant, whose headquarters are those of the local Government and who is required to move with the local Government to the hills (and not simply permitted to accompany the local Government to the hills), provided he returns to the temporary headquarters at the hills before the local Government moves down.

S. R. 76. Distance to be travelled before daily allowance is admissible.—Daily allowance may not be drawn for any day on which a Government servant does not reach a point outside a radius of five miles from his headquarters or return to his headquarters from a similar point, even though the distance travelled over may be more than five miles.

Note 1.—This rule applies to cases where the officer comes to a halt without reaching a distance exceeding 5 miles from headquarters. But it does not apply when the journey is continued without interruption to a point more than 5 miles distant from headquarters, even though at the expiration (midnight) of the day on which he started he has not yet reached such a point.

Note 2.—A Government servant who, on completing a road journey of less than 5 miles from headquarters, returns thereto and then commences a journey by rail of more than 5 miles from headquarters on the same day, is not entitled to mileage for the first portion of his journey performed by road.

Note 3.—In cases where a village is less in a straight line than 5 miles from headquarters, but more than 5 miles by the only practicable route to it, travelling allowance may be admitted by that route, but the allowance cannot be granted simply on the ground that the journey exceeding 5 miles was performed in visiting several villages none of which was more than 5 miles from headquarters by the ordinary direct route.

Note 4.—An allowance of Rs. 2 for each journey from Dum-Dum to Cossipore and vice versa is drawn by the Chaplain of Dum-Dum for proceeding to the latter place to perform Divine Service.

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S. R. 77. Halts on tour.—Subject to the conditions laid down in rules 78 and 79, daily allowance may be drawn during a halt on tour or on a holiday occurring during a tour.

Note.—Daily allowance is inadmissible unless the Government servant is actually, and not merely constructively, in camp, and also when he takes casual leave while on tour.

S. R. 78. Daily allowance may not be drawn for a continuous halt of more than 10 days at any one place: Provided that a competent authority may grant general or individual exemptions from the operation of this rule, on such conditions as it thinks fit, if it is satisfied—

- (a) that prolonged halts are necessary in the interests of the public service, and
- (b) that such halts necessitate the maintenance of camp equipage or, where no camp equipage is maintained, continue, after the first 10 days, to entail extra expense upon the halting Government servant.

Note 1.—The list of Government servants or classes of Government servants exempted from the operation of the 10 days' rule is given in Appendix No. 11.

Note 2.—A separate sanction is not necessary for halts of more than 10 days, if the travelling allowance bill containing the halting allowance is countersigned by a controlling officer competent to sanction the exemption.

Note 3.—In calculating the 10 days' limit referred to in this rule, the days of arrival at and departure from the place of halt should be taken into account when daily allowance is drawn for those days under the exception to S. R. 81. (Audit Instruction Circular No. 28 IX of 19th January 1928.)

S. R. 79. For the purpose of rules 76, 77 and 78—

- (a) after a continuous halt of 10 days' duration, the halting place shall be regarded as the Government servant's temporary headquarters;
- (b) a halt is continuous unless terminated by an absence on duty at a distance from the halting place exceeding 5 miles for a period including not less than three nights, both conditions to be fulfilled;
- (c) in calculating the duration of a halt, any day on which the Government servant travels or halts at a distance from the halting place exceeding 5 miles shall be excluded. On such a day the Government servant may draw daily allowance or exchange it for mileage allowance if admissible.

Subdivision 2.—Mileage allowance and actual expenses in place of, or in addition to, daily allowance.

S. R. 80. Exchange of daily allowance for mileage allowance during the whole period of a tour.—A competent authority may, by general or special order and on such condition as it thinks fit to impose, permit any Government servant or class of Government servants to draw mileage allowance instead of daily allowance for the whole period of any absence from headquarters, if it considers that the nature of the Government servant's duty is such that daily allowance is not sufficient to cover his travelling expenses.

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S. R. 51. Exchange of daily allowance for mileage allowance on particular journeys.—(a) Subject to any further conditions which a competent authority may, by general or special order impose, a Government servant in superior service may exchange his daily allowance for mileage allowance on any day on which—

- (i) he travels by railway or steamer or both, or
- (ii) he travels more than 20 miles by road:

Provided that, if a continuous journey extends over more than one day, the exchange must be made for all such days and not for a part only of them.

Note 1.—Short journeys within a radius of 5 miles from headquarters may not be added to other journeys, when calculating the distance travelled by road or the amount of mileage allowance admissible for road journeys.

Note 2.—For the purpose of exchanging daily allowance for mileage under this rule, it is not necessary that the 20 miles minimum should be travelled in one calendar day, provided that the absence from headquarters does not exceed 24 hours. In other cases, each calendar day should be considered separately.

Note 3.—When daily allowance is exchanged for road mileage under this rule, it is necessary to state not only the date but also the hour at which each separate road journey commences. In the case of road journeys extending over more than one day, the number of miles travelled each day should be stated.

(b) When a journey by road is combined with a journey by railway or steamer, mileage allowance may be drawn on account of such combined journey, but mileage in respect of the road journey will be limited to the amount of daily allowance unless the journey by road exceeds 20 miles, in which case an amount equivalent to daily allowance and mileage allowance for the excess over 20 miles may be drawn in accordance with (c) of this rule. The mileage allowance for the first 20 miles or part thereof may be increased by 50 per cent., on a certificate by the controlling officer that sufficient camp equipment was taken to justify the increased rate, but the mileage in respect of this part of the road journey is in this case also limited to the amount of daily allowance.

(c) When a journey is by road, an amount equivalent to the daily allowance may be drawn for the first 20 miles and mileage allowance for the excess over 20 miles of any journey, provided that only half mileage may be drawn for any excess over 30 miles.

Note.—When a journey of the kind referred to in Note 2 to S. R. 51 is combined with a journey by road, the mileage for the distance travelled by the particular service shall be limited to twice the actual fare charged and that for the ordinary road journey shall be separately calculated under S. R. 51(b).

(d) Unless such journey by road be a journey to or from the Government servant's headquarters, mileage allowance shall be calculated on the distance actually travelled, without regard to the points fixed by or under rule 38.

Exception.—As a partial exception to rule 51, in the case of halts on tour, half the daily allowance ordinarily admissible may be drawn in addition to mileage allowance on the day of arrival of the Government servant at the place of halt and on the day of departure, provided (i) that no daily allowance will be permissible in respect of a place of halt from which a Government servant departs

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on the same day on which he arrived at it, and (ii) that the total daily allowance drawn under this exception on any one day shall not exceed half the daily allowance ordinarily admissible.

Note.—This rule applies only to cases in which the halt is preceded or succeeded by a journey in respect of which an officer actually draws railway or steamer fares or road mileage or both.

S. R. 82. Subject to any conditions which a competent authority may by general or special order impose, a non-gazetted ministerial or a fourth grade Government servant may, for any day on which he travels by public or hired conveyance under a certificate from the head of his office that he is required to do so, exchange daily allowance for mileage allowance.

Note 1.—If a Collector certifies that a conveyance in use in his district falls under the definition of a "public conveyance" travelling allowance may be admitted on his certificate. Doubtful cases should be referred to the local Government.

Note 2.—The kind of "public conveyance" used should always be stated in the certificate required under this rule.

Note 3.—The term "hired conveyance" applies to bullock-carts, where such are ordinary means of conveyance.

S. R. 83. Travelling allowance admissible to a Government servant of the fourth grade.—The following conditions are applicable to a Government servant of the fourth grade, except as provided in the Darjeeling Code (see Appendix No. 23):—

- (a) For a journey by railway, he may draw mileage allowance in addition to daily allowance.
- (b) For a journey by steamer, he may draw travelling allowance under rule 63.
- (c) For a journey by road, he may exchange daily allowance for mileage allowance if the journey exceeds 20 miles or the condition of rule 82 is fulfilled.
- (d) For a journey by road combined with a journey by railway or by steamer, he may, except as provided in rule 82, draw mileage allowance for the road journey in addition to the allowances admissible under clause (a) or (b) of this rule, but such mileage allowance is limited to the amount of daily allowance unless the journey by road exceeds 20 miles.

Note.—When a fourth grade Government servant makes railway journeys on two successive days, involving an absence of not more than 24 hours from headquarters, he should receive single railway fare for each journey plus one day's daily allowance.

S. R. 84. Actual expenses of maintaining camp during a sudden journey away from it.—A competent authority may permit any Government servant, who is compelled by a sudden emergency to leave his camp and travel rapidly on duty to a place more than 20 miles distant, to draw, in addition to mileage allowance, the actual cost of maintaining his camp, whether the camp be moved or not; provided that the amount of actual cost drawn shall not exceed the daily allowance of his grade.

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S. R. 85. Actual expenses on first and last journey of an extensive tour.—A Government servant entitled to daily allowance, whose sphere of duty extends over a whole province, may, when making a journey of more than 100 miles to the first or from the last camp of an extensive tour, recover, in lieu of the daily allowance admissible for the days occupied by such journey, the whole necessary cost of the journey, including the cost of transportation of camp equipment and of servants, horses, motor-cars, motor-cycles, bicycles and private baggage on such scale as a competent authority may prescribe.

S. R. 86. Actual expenses of conveying camp equipment, etc.—
(a) When a competent authority is satisfied that it is in the interests of the public service that a particular Government servant on tour should send his horses, motor-cars, motor-cycles, bicycles, tent or camp equipment by railway or steamer, or by country craft when no steamer service exist capable of conveying the goods or animals, or when such means of carriage is cheaper or more expeditious, it may, by special order in each case, permit him to recover, in addition to mileage allowance or daily allowance or both, the actual cost or part of the actual cost of transporting them.

NOTE 1.—In the case of a motor-car, the cost of transporting a chauffeur or cleaner, and for each horse the cost of transporting one yoke and one grass-cutter may be drawn.

NOTE 2.—The term "motor-cycle" in this rule includes a side-car.

NOTE 3.—When a motor-car is transported by steamer, the actual cost of transporting it may, for the purposes of this rule, include, besides the freight, other incidental charges such as ghat pass, river dues, loading and unloading charges.

NOTE 4.—The application of this rule is restricted to journeys on tour.

NOTE 5.—Cost of carriage of bicycles by rail is admissible under this rule to officers on tour within a district when it is necessary for the officer to arrive at his destination ready equipped for a further journey.

NOTE 6.—This rule refers primarily to private motor-cars. The cost of carriage of Government motor-cars is contingent expenditure.

NOTE 7.—The object of the rule is to meet an *extraordinary* case in which a Government servant is obliged in the discharge of his official duties to make use of his horses, motor-car, motor-cycle, bicycle, or camp equipment in one place immediately or very shortly after having had to use them in the public service in another place and who is, therefore, in the exigencies of the service compelled to convey them by rail or steamer or country craft.

NOTE 8.—The expression "in the interests of the public service" includes the economy of a Government servant's time, and the concession in the rule may be allowed in cases in which the conveyance of horses, motor-car, motor-cycle, bicycle or camp equipment by rail or steamer will serve the interest of the public service by enabling a Government servant to do more work than he otherwise would in a given time.

(b) A competent authority may, by general or special order, prescribe limitations on the weight of camp equipment and the number of conveyances and animals to be carried at Government expense under clause (a) of this rule by a particular Government servant or class of Government servants.

NOTE.—A list of limitations prescribed on the weight of camp equipment and number of conveyances and animals is given in Appendix No. 12.

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S. R. 87. Government servants whose duties require them to travel constantly by railway.—(a) The following provisions are applicable to—

- (i) officers and men of the Railway Police;
- (ii) any other Government servant or class of Government servants, whose duties involve constant travelling by railway, to whom a competent authority may declare them to be applicable.

(b) When such a Government servant makes a journey by railway on tour—

- (i) he is entitled either to a free pass under the free pass rules of the railway or to the fares for himself and the servants and baggage accompanying him which a free pass would cover;
- (ii) he may draw daily allowance for any day on which he is absent from his headquarters for more than eight consecutive hours and travels more than 5 miles from his headquarters;
- (iii) he may not exchange for mileage allowance the allowances admissible under sub-clauses (i) and (ii) of this rule;
- (iv) if he combines with a railway journey a journey by steamer or road, he may, if he travels to a place distant at least 5 miles from the point where he leaves the railway or returns to the railway from a place similarly distant, draw mileage allowance for the journey by steamer or road, in addition to daily allowance, if any, admissible under this rule or under rule 63: Provided that the time spent on the journey by steamer or road shall be deducted in calculating the duration of his absence from his headquarters.

Subdivision 3.—Travelling allowance admissible for journeys and halts within 5 miles of headquarters.

S. R. 88. Conveyance hire.—A competent authority may, by general or special order, permit any Government servant or class of Government servants to draw the actual cost of hiring a conveyance on a journey for which no travelling allowance is admissible under these rules.

Note 1.—When conveyance hire is granted under this rule, daily allowance under rule 77 is inadmissible.

Note 2.—A list of special cases in which conveyance hire has been granted is given in Appendix No. 13.

S. R. 89. Ferry charges, tolls and railway fare.—A Government servant travelling on duty within 5 miles of his headquarters is entitled

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.to recover the actual amounts which he may spend in payment of ferry and other tolls and fares for journeys by railway or other public conveyance.

Note.—If an officer while halting at headquarters and drawing allowance under rule 90 makes a journey of 5 miles or less, returning the same day to headquarters, he may be granted allowances under both this rule and rule 90, subject to the restriction that the total sum received shall not exceed the daily allowance.

S. R. 90. Actual expenses of maintaining camp equipage during a halt at headquarters.—On the following conditions and any other conditions which it may think fit to impose, a competent authority may, by general or special order, permit any Government servant or class of Government servants to recover the actual cost of maintaining camp equipage during a halt at headquarters or within 5 miles of headquarters or during the interval between the Government servant's departure from, or arrival at, headquarters and that of his camp equipage:—

- (a) The amount drawn, together with any amounts recovered under rule 89, should not exceed the daily allowance of his grade.
- (b) The period of the halt or interval for which it is granted should not exceed ten days. An absence on duty from the halting place for less than three nights should not be treated as interrupting the halt or interval.

Note.—The "ten days" mentioned in clause (b) of this rule should be held to refer to the first ten days after the return of a Government servant from camp.

- (c) The Government servant must certify that he has maintained the whole or part of his camp equipage during the halt or interval and that the expense of maintenance has not been less than the amount drawn. In the case of a non-gazetted or a fourth grade Government servant, the head of the office must certify that such maintenance was necessary.

Note.—The actual expense of keeping up camp equipage during halts at headquarters is the difference between the actual outlay incurred by an officer in maintaining the equipage during that time and the outlay he would incur if he could discharge it and had nothing to do with it till he wanted it again. Interest on capital outlay, and charges on account of depreciation and repairs as well as the upkeeping of horses, palkies, etc., used only for the conveyance of the officer on his marches, and the cost of maintaining private conveyances of any sort cannot be reckoned in "actual expenses" of keeping up camp equipage.

SUB-SECTION (IV).—SPECIAL RULES FOR HIGH OFFICIALS.

S. R. 91. With the exception of the officers of his personal staff, the Governor of Bengal controls his own travelling expenses and those of his household. They are paid out of the contract allowance for household charges.

S. R. 92. High officials travelling by reserved railway accommodation.—When a Government servant for whom special railway accommodation is provided or who is entitled, under these rules, to reserve

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railway accommodation by requisition, travels in such reserved accommodation on tour:—

- (a) The entire cost of haulage is borne by Government.
- (b) Unless it be otherwise expressly provided in this sub-section—
 - (i) the Government servant must pay the usual fares for any persons travelling with him in the reserved accommodation and, if Government pays full tariff rates for the reserved accommodation, such fares must be credited to Government;
 - (ii) if the Government servant desires additional accommodation for his staff or luggage, he must make arrangements with the railway administration for the provision of such accommodation, the haulage and other charges being met at his expense or, in the case of His Excellency the Governor, from his contract allowance;
 - (iii) unless otherwise specifically provided in these rules, the Government servant is entitled to draw no travelling allowance for the journey unless he be entitled to permanent travelling allowance.

NOTE.—For the rules regulating the travelling allowance of the Member of the Board of Revenue and High Court Judges, see rules 162 and 163.

S. R. 93. Reserved.—A member of the Executive Council of the Governor, when travelling on tour, may recover the cost of carrying a motor-car under the conditions specified in rule 86: Provided that the local Government is satisfied that the car has been employed, for all practical purposes, only as a means of performing, in the public interest, a journey off the line of railway. In cases where the presence of his car with the member has, apart from the advantages to Government of the particular tour or journey, saved him expense in hiring a conveyance or served his personal convenience to an appreciable extent, he must pay one-fifth of the cost of carriage.

S. R. 94. Reserved.—Members of the Executive Council of the Governor, and the President of the Bengal Legislative Council, when travelling by rail, are entitled to a reserved first class carriage, to railway fares actually paid for not more than ten personal servants at lowest class rates, and to the conveyance of all their personal luggage at the public expense, whether taken in the luggage van of the train to which the reserved carriage is attached or sent by any other trains.

When travelling by road or steamer they are entitled to charge to Government their personal *bona fide* travelling expenses appending to their bills a certificate as follows:—

“ I certify that I have actually paid the amount of this bill and that it does not include any charges for the freight of any stores or goods, other than my personal luggage, or any charge for refreshments, hotels or staging bungalows.”

NOTE 1.—Stores taken for consumption on tour are treated as personal luggage.

NOTE 2.—See also rule 93.

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S. R. 85. Reserved.—A member of the Executive Council of the Governor and the President of the Bengal Legislative Council may draw daily allowance at the rate of Rs. 15 for a halt on tour in addition to the privileges granted by rule 94, and if for any journey by rail, road or steamer he chooses to forego those privileges, he may draw for that journey mileage allowance at the rate of Re. 1 in addition to the concession admissible under the "Exception" to S. R. 81.

S. R. 86. Transferred.—A minister, when travelling on tour, may recover the cost of carrying a motor-car under the conditions specified in rule 86: Provided that the local Government is satisfied that the car has been employed, for all practical purposes, only as a means of performing, in the public interest, a journey off the line of railway. In cases where the presence of his car with the minister has, apart from the advantages to Government of the particular tour or journey, saved him expense in hiring a conveyance or served his personal convenience to an appreciable extent, he must pay one-fifth of the cost of carriage.

S. R. 87. Transferred.—(a) Ministers when travelling by rail are entitled to a reserved first class carriage, so railway fares actually paid for not more than ten personal servants at lowest class rates, and to the conveyance of all their personal luggage, at the public expense, whether taken in the luggage-van of the train to which the reserved carriage is attached or sent by any other trains.

(b) They must pay the usual fares for any persons travelling with them in the reserved accommodation, and if Government pays full tariff rates for the reserved accommodation such fares must be credited to Government.

(c) When travelling by road or steamer they are entitled to charge to Government their personal *bond-fide* travelling expenses, appending to their bills a certificate as follows:—

"I certify that I have actually paid the amount of this bill and that it does not include any charges for the freight of any stores or goods, other than my personal luggage, or any charge for refreshments, hotels or staging bungalows."

NOTE 1.—Stores taken for consumption on tour are treated as personal luggage.

NOTE 2.—See also rule 96.

S. R. 88. Transferred.—A minister may draw daily allowance at the rate of Rs. 15 for a halt on tour in addition to the privileges granted by rule 97, and if for any journey by rail, road or steamer he chooses to forego those privileges he may draw for that journey mileage allowance at the rate of Re. 1 in addition to the concession admissible under the "Exception" to S. R. 81.

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S. R. 90. Members of the Bengal Legislative Council.—The following rules regulate the allowances of the members of the Bengal Legislative Council who are required to leave their official headquarters or usual places of residence for the purpose of attending meetings of the Council or transacting business connected with their duties as members of the Council :—

RULES.

(1) In these rules—

- (i) "Session" means the whole period of a legislative session from the time when the Council is assembled to the time when it is prorogued.
- (ii) "Meeting" means a meeting of the Council, or of a committee during the session or out of the session (or a meeting to which a member is summoned out of session for the transaction of business connected with his duties as a member of Council).
- (iii) "Usual place of residence" means the place where a member ordinarily resides for at least six months in the year.
- (iv) "Mufassal member" means a member whose usual place of residence is outside a radius of 25 miles from Government House or in the case of a meeting held outside Calcutta, 25 miles from the place at which such meeting is held.

(2) A member of the Legislative Council may draw (a) mileage allowance, subject to the provisions of S. R. 36 and S. R. 81 (b) and (c), or (b) daily allowance as follows :—

- (a) (i) Mileage allowance for journeys by road at the rate of 8 annas per mile.
- (ii) Mileage allowance for journeys by railway or by sea or river in a steamer. The rate admissible is one and three-quarter fares of the class by which the member actually travels, except in the case of journeys under 75 miles and an absence from home of more than 24 hours, both conditions to be fulfilled, when double fare will be allowed.
- (b) Daily allowance at the rate of Rs. 10 per day.

(3) No member may draw mileage allowance and daily allowance for the same day.

(4) No member who arrives at and leaves the place of meeting on the same day may draw daily allowance for that day.

(5) No member may draw daily allowance for any day after—

(a) the close of the session;

(b) the completion of the business for which a member is summoned out of session.

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(6) No member whose usual place of residence is within a radius of 5 miles from Government House and no member who ordinarily carries on his professional business within a radius of 5 miles from Government House may draw mileage allowance or daily allowance for attending meetings in Calcutta.

(7) No member who usually resides or has his official headquarters within a radius of 25 miles from Government House may draw daily allowance for attending meetings in Calcutta.

(8) Subject to rules (3) to (7), a member who has to leave his official headquarters or usual place of residence for the purpose of attending meetings or transacting business connected with his duties as a member of Council may draw mileage allowance and daily allowance.

NOTE.—Mileage allowance to a member will be paid to and from his usual place of residence, if within the province, or to and from the headquarters of his constituency if his usual place of residence is outside the province.

(9) If a member attends the first meeting of a session of the Council and stays throughout the session, he may draw the daily allowance for the whole session:

Provided that such member has attended all meetings of the Council during such session, or in the case of absence from any meeting, has explained such absence to the satisfaction of the President.

(10) If a member does not arrive or leave on the day of the meeting, he will be considered to arrive on the day before the meeting and to leave the day after the meeting even if, as a matter of fact, he arrives some days before or leaves some days after. He will, therefore, be entitled to mileage allowance for the day before and the day after the meeting, and to daily allowance for the day of the meeting only, and not for any other days during which he may reside in the place where the Council or committee is sitting, before or after the meeting.

(11) (a) In the case of adjournments or intervals between meetings of seven days or less a mufassal member who stays at the place of meeting for the intervening period may draw daily allowance for that period. A mufassal member who returns to his usual place of residence may draw mileage allowance, but the amount drawn shall in no case exceed the amount which would have been admissible if he had elected to stay at the meeting place, and drawn daily allowance.

(b) In the case of adjournments or intervals between meetings of more than seven days a mufassal member may return to his usual place of residence in the intervening period and may charge mileage allowance, but in this event no daily allowance for the intervening period shall be admissible to him.

(12) Where a meeting lasts over the week-end, mileage allowance is not admissible to a member who leaves the place of meeting during the week-end, but he may draw daily allowance for the week-end provided he is present at the opening meeting after the week-end;

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otherwise he may draw daily allowance only for the days on which he actually attended meetings.

(13) In the case of protracted sittings of three weeks' duration or over, a mufassal member may return to his usual place of residence once during that period at the public expense, and in such case he may draw one single fare of the class by which he actually travelled and mileage allowance by road at 8 annas per mile. But any member who stays away from the place of meeting for such a length of time as necessitates his being absent for more than six consecutive meetings shall forfeit his right to this concession.

S. R. 100. Reserved.—A member of the Bengal Legislative Council, being a Government servant in receipt of permanent travelling allowance, will not be entitled to the allowances specified in rule 99 unless he leaves his sphere of duty to attend the Council or to transact business in connection with his duties as a member. When he so leaves his sphere of duty, he may draw travelling allowance as prescribed in rule 99; provided that such sum as may represent the amount of his permanent travelling allowance for the period of absence, calculated at a proportionate daily rate, shall be deducted from his mileage and daily allowance.

S. R. 101. Amount of luggage admissible.—Except where otherwise expressly provided in these rules, the amount of luggage which may be transported, free of cost, by a Government servant travelling in reserved accommodation is the amount covered by the number of tickets which a member of the public would have to purchase in order to reserve such accommodation.

Section X.—Journey of a newly-appointed Government servant to join his First Post.

S. R. 102. General rule.—Except as otherwise provided in this section, travelling allowance is not admissible to any person for the journey to join his first post in Government service.

S. R. 103. Exception.—A competent authority may, by general or special order, permit any person, whether appointed to a temporary or a permanent post, to draw travelling allowance for the journey to join his first post in Government service.

Note 1.—The following concessions are admissible for the journey of the families, including children, one wife and one relative of the men of the Military Police belonging to races foreign to Dacca and recruited outside the province, if quarters are available in the Police lines, subject to the condition that the percentages mentioned in clauses (b) and (c) below must be reckoned on the number of foreigners only:—

- (a) **Reserved.**—*Native officer*—3rd class passage by rail, deck passage by steamer on payment of one-third of the passage-money or fare.
- (b) **Twenty per cent. of the non-commissioned officers of each battalion**—3rd class passage by rail, deck passage by steamer, free of charge.
- (c) **Five per cent. of the privates of each battalion**—3rd class passage by rail or deck passage by steamer, free of charge.

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- (d) Return passage to their homes of the families of such officers and men dying in Dacca or other places where the force is stationed at the time.
- (e) Free passages both ways for one attendant for such families if they do not include a male over 16 years of age.

Note 2.—A list of cases in which the grant of travelling allowance has been permitted by general or special order is given in Appendix No. 14.

S. R. 104. Concession to persons re-employed in Government service.—When a pensioner, or a Government servant who has been thrown out of employment owing to a reduction of establishment or the abolition of his post, is reappointed to Government service, the authority which sanctions his reappointment may permit him to draw travelling allowance for so much of his journey to join his new post as falls within India.

S. R. 105. Concession to persons joining by sea.—When a person is appointed to a post in Government service which he cannot join except by sea, a competent authority may grant him a free passage by sea from one part of India to another such part.

Note.—The condition in this rule "which he cannot join except by sea" should be understood to mean "which he cannot join except by sea, without resorting to extraordinary routes and unusual mode of travelling."

S. R. 106. Concession to members of the Executive Council of the Governor.—When a person not already in Government service is appointed to be a member of the Executive Council of the Governor, he is entitled, when travelling by railway to join his post, to the concession described in rule 114.

S. R. 107. Concession to a Minister.—When a person is appointed to be a Minister he is entitled, when travelling by railway to join his post, to the concession described in rule 115.

S. R. 108. Concession to persons appointed in Europe.—Any person appointed, while resident in Europe, by the Secretary of State in Council to Government service in India, other than a person whose case is covered by rules made by the Secretary of State in Council under sections 85 and 104 of the Act, may draw mileage allowance for the journey to join his first post from any port in India at which, with the permission of the Secretary of State, he may disembark.

S. R. 109. Rates of travelling allowance under this section.—Travelling allowance under rules 103 and 104 should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

S. R. 110. When mileage allowance is drawn under rules 103, 104 and 108 the rate admissible is that of the grade to which the Government servant will belong after joining his post.

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Section XI.—Journeys on Transfer.

S. R. 111. General conditions of admissibility.—Travelling allowance may not be drawn under this section by a Government servant on transfer from one station to another unless he is transferred for the public convenience and is entitled to pay during the period occupied by the journey. A transfer at his own request or in consequence of misconduct should not be treated as a transfer for the public convenience unless the authority sanctioning the transfer, for special reasons which should be recorded, otherwise direct.

NOTE.—The following Audit Instruction has been issued by the Auditor-General: “When a Government servant is transferred otherwise than for the public convenience, a copy of the order of transfer should be sent to the Audit Officer of the Circle of Audit in which he is serving, with an endorsement stating the reasons for the transfer. In the absence of such an endorsement, the Audit Officer shall assume that the Government servant has been transferred for the public convenience. In the case of non-gazetted servants, a certificate from the head of the office will be accepted in lieu of the copy of the order of transfer.”

S. R. 112. General rule.—A Government servant may draw mileage allowance for a journey on transfer, including transfer from military to civil employ.

S. R. 113. Special concessions to Government servants in superior service.—(a) Unless in any case it be otherwise expressly provided in these rules or in rules made under other sections of the Act, a Government servant in superior service is entitled, for a journey on transfer, to the following concessions:—

I.—For journeys by rail or steamer.

- (i) He may draw one extra fare of the class to which his grade entitles him.
- (ii) He may draw one extra fare for each adult member of his family who accompanies him and for whom full fare is actually paid and one-half fare for each child for whom such fare is actually paid.
- (iii) He may draw the actual cost of transporting by goods train, steamer or other craft personal effects up to the following maxima:—

Grade of Government servant.	If travel- ling alone.	If accom- panied by family.
First	40 60
Second	20 30
Third	12 15

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Provided that a competent authority may prescribe lower maxima in the case of any specified class of Government servants.

NOTE 1.—If a Government servant carries his personal effects by passenger, instead of by goods train, he may draw the actual cost of carriage up to a limit of the amount which would have been admissible had he taken the maximum number of maunds by goods train.

NOTE 2.—If a Government servant carries his personal effects by road between stations connected by rail or steamer, he may draw actual expenses up to the limit of goods train or steamer freight.

NOTE 3.—Claims preferred under this rule should be paid at the "owner's risk" rate. (Audit Instruction Circular No. 20, dated the 17th November 1924.)

(iv) Provided that—

- (1) the distance travelled exceeds 80 miles;
- (2) the Government servant is travelling to join a post in which the possession of a conveyance or horse is advantageous from the point of view of his efficiency; and
- (3) conveyances or horses are actually carried by rail, steamer or other craft;—

he may draw the actual cost of transporting at owner's risk conveyances and horses on the following scale :—

Grade of Government servant.	Scale allowed.
First	Two horses, and a carriage or motor-car or motor-cycle.
Second	One horse, and a carriage or motor-car or motor-cycle.
Third	One horse or a motor-cycle or ordinary cycle.

NOTE 1.—In the case of a motor-car, the cost of transporting a chauffeur or cleaner, and for each horse the cost of transporting one syce and one grass-cutter may be drawn.

NOTE 2.—When a motor-car is transported by steamer, the actual cost of transporting it may, for purposes of this rule, include, besides the freight, other incidental charges such as ghat pass, river dues, loading and unloading charges.

NOTE 3.—A motor-car may be deemed a part of personal effects under clause (iii), when a Government servant is not entitled to its free transport in addition to personal effects under clause (iv).

NOTE 4.—Government servants on transfer who are obliged to take their motor-cycles by passenger train may be allowed to draw the actual cost of transporting them by passenger train. (Audit Instruction Circular No. 21 (1), dated the 6th January 1926.)

Exception.—A Government servant who travels by a Government steamer is not entitled, for the journey by steamer, either to mileage allowance under rule 112 or to the concessions allowed by this clause. He is entitled to free transport of himself, his family servants and their *bond-side* personal effects, and of conveyances and horses subject to the limits prescribed in sub-clause (iv); and may draw in addition the daily allowance of his grade.

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II.—For a journey by road.

- (i) He may draw one extra mileage allowance at the rate to which his grade entitles him.
- (ii) He may draw a second extra mileage allowance if two members of his family accompany him and a third if more than two members accompany him.
- (iii) For the transportation of personal effects within the limits prescribed in sub-clause I (iii) of this clause, he may draw mileage allowance at the rate of 1 anna per maund per mile for conveying goods by road, boat or steam-launch.

(b) The following explanations are given of terms employed in clause (a) of this rule:—

- (i) The term "personal effects" is not subject to definition, but the controlling officer must satisfy himself that a claim to reimbursement on account of their transportation is reasonable.
- (ii) The term "motor-cycle" includes a side-car.
- (iii) A member of a Government servant's family who follows him within six months from the date of his transfer or precedes him by not more than one month may be treated as accompanying him. If such member travels to the new station from a place other than the Government servant's old station, the Government servant may draw either the actual fare for the journey made or the fare admissible for the journey from the old to the new station, whichever is less.

NOTE.—Travelling allowance, under this rule, of the family of an officer on transfer should be regulated with reference to the facts at the time of the journey in respect of which the travelling allowance is claimed. (Audit Instruction Circular No. 20, dated the 17th November 1924.)

(c) Tents supplied by Government are transported at the expense of Government. Tents purchased and maintained by a Government servant himself may be transported at the expense of Government: provided that they do not exceed a scale to be prescribed in this behalf by a competent authority as suitable to a particular Government servant or class of Government servants. If they exceed this scale, the excess may be treated as a part of personal effects.

(d) A Government servant who claims additional travelling allowance on the ground that members of his family accompanied him on transfer must support his claim by a certificate showing the numbers and relationship of the said members.

(e) A Government servant claiming the cost of transporting personal effects, a conveyance or a horse, must support his claim by a certificate that the actual expense incurred was not less than the sum

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claimed. Such a certificate must give details of the conveyances or horses transported.

Note 1.—Police officers below the rank of Assistant Superintendents transferred from one station to another in the same district are not entitled to travelling allowance except for journeys by rail and steamer in which case they are also entitled according to their class to the further concessions described in I (iii) and (iv) above. For journeys by road they may be allowed the actual cost of conveyance of their necessary baggage.

Note 2.—When transferred within Calcutta from one station to another, the following officers of the Calcutta Police are allowed the actual cost of moving their personal effects subject to the limits stated:—

	Rs. A.
Inspectors	8 0
Sub-Inspectors	6 8
Sergeants	5 0

S. R. 113A. A Government servant in superior service transferred from one post to another who, under the orders of competent authority, is permitted to hand over charge of his old post or to take over charge of the new post at a place other than the headquarters is entitled to—

- (1) travelling allowance as on tour from the place of handing over charge to the place of taking over;
- (2) one and a quarter fare of the class to which his grade entitles him from his old to his new headquarters;
- (3) all the further concessions admissible under rule 113 (a) direct from the old to the new headquarters, excluding those in I (i) thereof and the mileage admissible during journeys on tour referred to in clause II (i).

For the journeys from his old headquarters to the place of handing over charge, or from the place of taking charge to his new headquarters, he will draw travelling allowance as for journeys on tour.

S. R. 113B. A Government servant in superior service whose headquarters are changed while he is on tour, and who proceeds to his new headquarters without returning to his old, is entitled to—

- (1) travelling allowance as on tour for his journey up to the new headquarters;
- (2) one and a quarter fare of the class to which his grade entitles him from his old to his new headquarters;
- (3) all the further concessions admissible under rule 113 (a) direct from the old to the new headquarters, excluding those in I (i) thereof and the mileage admissible during journeys on tour referred to in clause II (i).

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S. R. 1130. If, in consequence of his transfer, the family of a Government servant travels to a station other than the new headquarters, travelling allowance for the journey of the family may be drawn subject to the condition that it does not exceed the travelling allowance that would have been admissible if the family had proceeded to the new headquarters station.

S. R. 114. Transfer to join the post of member of the Executive Council of the Governor or a Judge of the High Court (Reserved).—When a Government servant, appointed to be a member of the Executive Council of the Governor or a Judge of the High Court, travels by railway to join his post, he may, at his option, travel on the following terms, in lieu of drawing travelling allowance under the ordinary rules governing a journey on transfer:—

- (a) Any accommodation which he will be entitled, under section XXI of these rules, to reserve by requisition after joining his post will, if practicable, be placed at his disposal.
- (b) The charge for haulage of the reserved accommodation will be paid by Government.
- (c) The Government servant must pay to Government the fare which he would have paid if no accommodation had been reserved, and must, in addition, pay in cash to the station-master of the station from which the journey commences full fares for any members of his family accompanying him, whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares will be credited to Government.

Note.—A Judge of the High Court, when proceeding on or returning from gazetted leave or long vacation spent in Europe or the colonies may travel on the terms laid down in the above rule.

S. R. 115. Journey to join the post of a Minister (Transferred).—When a Minister, after his appointment as such, travels by railway to join his post, he may, at his option, travel on the following terms, in lieu of drawing travelling allowance under the ordinary rules governing a journey on transfer:—

- (a) Any accommodation which he will be entitled, under section XXI of these rules, to reserve by requisition after joining his post will, if practicable, be placed at his disposal.
- (b) The charge for haulage of the reserved accommodation will be paid by Government.
- (c) He must pay to Government the fare which he would have paid if no accommodation had been reserved, and must, in addition, pay in cash to the station-master of the station from which the journey commences full fares for any members of his family accompanying him, whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares will be credited to Government.

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S. R. 116. Government servants whose duties involve constant travelling by railway.—The Government servants specified in rule 87 may draw travelling allowance under that rule for journeys on transfer within the limits of the railway to which they are attached, and are entitled, in addition to a free pass or fares for their families: Provided that they must not draw daily allowance for halts in the course of the journey, unless such halts are made in connection with the duty. When transferred from one railway to another, they are entitled to travelling allowance under rules 111 to 113.

S. R. 117. Concession to jail warders, forest guards and police constables (Reserved).—Jail warders of the fourth grade when transferred from one jail to another, forest guards when transferred from one range to another, and police constables when transferred from one district to another are entitled, if accompanied by their families, to mileage allowance at the following special rates:—

- (a) For a journey by railway or steamer, double fare of the lowest class.
- (b) For a journey by road, 2 annas for each mile travelled.
- (c) For a journey by boat, 1 anna for each mile travelled.
- (d) Men of the Military Police, of the fourth grade, when proceeding to or returning from outpost duty, are allowed free passage by rail, river and road for their families. In the case of journeys by road, where carts cannot be used, the cost of one cooly for wife and one cooly for children may be allowed.

S. R. 118. Cancelled.

S. R. 119. Inferior servants.—Except as provided in rule 117, a Government servant of the fourth grade is entitled, on transfer, to draw travelling allowance as for a journey on tour.

NOTE.—A Government servant of the fourth grade should not be transferred save in exceptional cases in which there may be special reasons for transfer.

S. R. 120. Government servant appointed to a new post while in transit.—A Government servant appointed to a new post while in transit from one post to another is entitled to draw travelling allowance under this section for so much of the journey on transfer as he has accomplished when he receives the fresh orders and, for the journey from the place at which he receives such orders to his new station.

S. R. 121. A Government servant who takes leave not exceeding four months, whether on average pay or half average pay or partly on average pay and partly on half average pay, after he has given over charge of his old post and before he has taken charge of his new post, is entitled, whether the order of transfer is received before or after the commencement of his leave, to travelling allowance under this section.

S. R. 122. Government servant taking long leave while in transit.—A Government servant who takes leave exceeding four months while in transit from one post to another may draw travelling

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allowance under rule 113 (a), I (i) and (ii) and II (i) and (ii) for so much of the journey to join the new post as he has accomplished before the order granting his leave is received, in addition to any allowance admissible under rule 123.

S. R. 123. Government servant posted to a new station on return from long leave.—When on return from leave exceeding four months a Government servant is posted to a station other than that at which he was posted when he went on leave, the controlling officer may permit him to recover the travelling allowance admissible, under sub-clauses I (iii) and (iv) and II (iii) of rule 113 (a), for a journey from his old to his new station.

Section XII.—Journey to a Hill Station.

S. R. 124. Special rules, which are given in Appendix No. 23, govern the grant of travelling allowance to Government servants moving to hill stations with the headquarters of a Government.

S. R. 125. Journey made under the orders of superior authority.—A Government servant, other than a Government servant moving with the headquarters of a Government, who travels on duty to a hill station within his sphere of duty, or is required by the orders of a superior authority to travel to a hill station on duty, may draw travelling allowance during his absence as for a journey on tour. Such a Government servant will, however, forfeit all claim to travelling allowance for the journey and halt, other than permanent travelling allowance, if he prolongs his stay at the hill station beyond a period of ten days or the period necessary for the performance of the duty on which the journey is made, whichever is less: Provided that a competent authority may preserve the Government servant's claim to travelling allowance by—

- (a) sanctioning a halt in excess of ten days, and
- (b) officially intimating that his presence was required on duty throughout the period or that he was permitted to extend his stay during holidays immediately following his period of duty.

S. R. 126. A Government servant performing his duties at a hill station for his own convenience.—When a Government servant is permitted for his own convenience to perform his duties at a hill station he is not entitled to daily allowance or mileage allowance for the journey to or from such station or for the period during which he halts at it.

Section XIII.—Journey to attend an Examination.

S. R. 127. General rules.—(I) A Government servant is entitled to draw travelling allowance for the journey to and from the place at which he appears for an examination of any of the following kinds:—

- (a) An obligatory departmental or language examination.
- (b) An examination held under any rules in force in the vernacular language of a frontier, or hill tribe.

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(c) In the case of a military officer in civil employ, an examination for promotion in military rank.

(d) In the case of a Civil Assistant Surgeon or Sub-Assistant Surgeon, an examination designed to test his fitness to rise above an efficiency bar in a time-scale.

(II) A Government servant is entitled to draw daily allowance for the days on which he appears at an obligatory departmental examination and any intervening days:

Provided that—

- (1) travelling and daily allowance shall not be drawn under this rule more than twice for any particular examination or standard of examination; and
- (2) a competent authority may disallow travelling and daily allowance under this rule to any candidate who in its opinion—
 - (i) has culpably neglected the duty of preparing himself for an obligatory examination, or
 - (ii) does not display a reasonable standard of proficiency in an examination which is not obligatory.

NOTE.—The travelling allowance for journeys to attend an obligatory examination is admitted upon a certificate that the Government servant has not previously drawn travelling allowance twice for the same standard.

S. R. 128. Government servants obtaining a reward for proficiency in an oriental language.—A Government servant who obtains a reward for proficiency in an oriental language or who for the first time obtains a degree of honour in any language is entitled to draw mileage allowance for the journey to and from the place of examination.

S. R. 129. Special concessions.—A competent authority may permit a Government servant to draw travelling allowance for the journey to and from the place at which he appears for any examination other than those specified in rules 127 and 128.

S. R. 130. Rates of travelling allowance under this section.—Travelling allowance under rules 127 and 129 should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys except for halts to attend the obligatory departmental examinations.

Section XIV.—Journey when proceeding on or returning from Leave.

S. R. 131. General rule.—Except as otherwise provided in these rules, a Government servant is not entitled to any travelling allowance for a journey made during leave or while proceeding on or returning from leave.

Note 1.—With a view to enable Government servants of non-Asiatic domicile to purchase passages for themselves and their families, the Government of India decided to grant advances recoverable in suitable instalments. The rules laid down by them in regulating the grant of these advances are given in Appendix No. 15.

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Note 2.—For rules regarding the grant of railway passes to head-constables and constables, see Police Regulations, Bengal.

S. R. 132. Exception.—A competent authority may, for special reasons which should be recorded, permit any Government servant to draw, for a journey of the kind specified in rule 131, travelling allowance as for a journey on tour.

S. R. 133. High officials (Reserved).—When a member of the Executive Council of the Governor or a Judge of the High Court travels by railway when proceeding on or returning from leave, he may travel on the terms described in rule 114.

Note.—The long vacation allowed to the Judges of the High Court may be considered as leave in the case of Judges proceeding to or returning from Europe or the colonies.

S. R. 134. Subject to the proviso in rule 134, a Military Sub-Assistant Surgeon in civil employ, when proceeding on or returning from leave of not less than six months' duration is entitled to the same concessions which he would receive if he were in military employ.

S. R. 135. A military officer in civil employ, being a departmental or warrant officer, when proceeding on or returning from leave on medical certificate, is entitled to the same concessions which he would receive in military employ.

S. R. 136. Reserved.—Indian officers, non-commissioned officers and men of the Military Police taking leave on medical certificate or leave other than leave on full average pay not exceeding four months are entitled to free passage by river and rail to and from their homes.

S. R. 137. Concessions to survey and other subordinates (Reserved).—(a) The Director of Land Records and Surveys, Bengal, may grant such rail and steamer fares as he considers necessary to khalasis and other menials of the Survey Department proceeding on or returning from leave of any kind. Such fares should be paid for the journey to or from the place at which each menial was recruited.

(b) He may also grant such travelling allowance as he considers necessary to other subordinates of the Survey Department when proceeding on or returning from leave if their homes are situated in provinces other than those in which they are employed.

(c) Head warders and warders, who are not natives of Bengal, are entitled to free passages by rail and steamer when proceeding to and returning from their homes on leave on half or quarter pay whether by itself or in combination with leave on average pay.

S. R. 138. (a) When a Government servant is compulsorily recalled to duty before the expiry of his leave, he is entitled to travelling allowance as follows:—

(i) If the leave from which he is recalled is in India and the leave thereby curtailed by not less than one month, he is entitled to draw mileage allowance for the journey from the place at which the order of recall reaches him.

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(ii) If the leave from which he is recalled is out of India, and if the Government servant recalled has not completed by the date of leaving for India either half the period of his leave or three months, whichever period is shorter, he is entitled to travelling allowance, from the port at which he lands in India to the station to which he is recalled. (For free passage to India, *vide* Fundamental Rule 70.)

If the period by which the leave is curtailed is less than the minimum periods referred to in clauses (i) and (ii) above, mileage allowance may be allowed at the discretion of the authority recalling the Government servant.

(b) If the Government servant recalled to duty is entitled to travelling allowance under rule 121, he may not draw mileage allowance under clause (a) unless he abandons his claims to the mileage allowance specified in rules 112 and 113 (a), I (i) and II (i).

S. R. 140. If a non-gazetted Government servant, on compulsory recall from leave exceeding four months, is posted to a station other than that from which he went on leave, he may, if his pay after transfer does not exceed Rs. 400 and if his new station is distant more than 50 miles from his old station, draw, in addition to the allowance admissible under rule 123, travelling allowance for his family under rule 113 for the journey from the place at which the order of recall reaches him to the new station: Provided that the amount so drawn shall not exceed the amount admissible under rule 113 for the journey from the old to the new station.

S. R. 141. Travelling allowance during joining time under Fundamental Rule 105 (d).—A Government servant on joining time under Fundamental Rule 105 (d) may draw travelling allowance for the journey as for a journey on transfer.

Section XV.—Journey on Retirement, Dismissal or Termination of Employment.

S. R. 142. General restrictions.—Unless in any case it be otherwise expressly provided in this section, no person is entitled to any travelling allowance for a journey made after retirement or dismissal from Government service or after the termination of such service.

Note.—Reserved.—All Indian ranks of the Military Police are entitled to free passage by steamer or rail to their homes, where they are retiring on invalid pension, but not when retiring on retiring or superannuation pension.

S. R. 143. Exception.—A competent authority may, for special reasons which should be recorded, permit any Government servant to draw travelling allowance for a journey of the kind mentioned in rule 142.

S. R. 144. Concessions to high officials (Reserved).—When a member of the Executive Council of the Governor or a Judge of the High Court travels by railway on retiring from the service or on proceeding to join another post after resigning office, he is entitled, if he so desires, to the concession described in rule 114.

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S. R. 145. Concessions to Ministers (Transferred).—When a Minister after his appointment as such travels by railway on retiring from the service, he is entitled, if he so desires, to the concession described in rule 115.

S. R. 146. Concessions to Survey subordinates.—A head of a department may grant such rail and steamer fares as he considers necessary to a discharged khalasi or other menial for the journey to the place at which the menial was enlisted.

S. R. 147. Concessions to military officers in civil employ.—A military officer in civil employ, being a departmental or a warrant officer, on retirement after service which has earned a pension or gratuity, is entitled to the same right as regards a free passage as if he were retiring from military employ.

S. R. 148. Concessions to Government servants temporarily employed.—A person temporarily employed in Government service who has received travelling allowance for the journey to join his post may, on the termination of his employment, be allowed to draw travelling allowance for the journey to any place: Provided that such allowance does not exceed the travelling allowance calculated for the journey to the place at which he was engaged, that the claim to draw travelling allowance is preferred within three months of the termination of his employment and that the officer under whom he is employed is satisfied that he intends to make the journey.

S. R. 149. Rates of travelling allowances under this section.—Travelling allowance under rules 143 and 148 should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

Section XVI.—Journey to give Evidence.

S. R. 150. Journey to give evidence of facts of which he has official knowledge.—The following provisions apply to a Government servant who is summoned to give evidence in British India—

(a) in a criminal case, a case before a court-martial, a civil case to which Government is a party or a departmental inquiry held by a properly constituted authority in British India,
.. or

(b) before a court in an Indian state or in foreign territory;

provided that the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties:—

(i) He may draw travelling allowance as for a journey on tour, attaching to his bill a certificate of attendance given by the court or other authority which summoned him.

(ii) When he draws such travelling allowance, he may not accept any payment of his expenses from the court or authority. Any fees which may be deposited in the court for the travelling and subsistence allowance of the witness must be credited to Government.

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(iii) If the court in which he gives evidence is situated within 5 miles of his headquarters and no travelling allowance is therefore admissible for the journey, he may, if he be not in receipt of permanent travelling allowance, accept such payment of actual travelling expenses as the court may make.

NOTE 1.—A Government servant summoned to give evidence while on leave or under suspension is entitled to the concessions described in this rule.

NOTE 2.—A Government servant summoned to a departmental enquiry to answer charges against his conduct shall be deemed to be summoned to give evidence at the enquiry and shall be entitled to the concessions described in this rule notwithstanding the proviso thereto.

NOTE 3.—Travelling expenses of any witness summoned either for the prosecution or the defence in a departmental enquiry should be paid by Government, if his evidence is, in the opinion of the Commissioners or officer conducting the enquiry, of material value.

S. R. 151. Other cases.—A Government servant summoned to give evidence in circumstances other than those described in rule 150 is not entitled, by reason of his position as a Government servant, to any payments other than those admissible by the rules of the court. If the court pays him any sum as subsistence allowance or compensation, apart from payment for travelling expenses, he must credit that sum to Government before drawing full pay for the day or days of absence.

Section XVII.—Journey to obtain Medical Advice.

S. R. 152. General rule.—If in order to obtain medical advice, a Government servant is compelled to leave a station at which he is posted and at which there is no medical officer of Government and travel to another station, he may, on production of a certificate from the medical officer consulted that the journey was, in his opinion, absolutely necessary, draw travelling allowance for the journey.

NOTE.—For rules regulating the grant of travelling allowance to enable European Government servants and their families to have access to British Medical advice, see Appendix No. 26.

S. R. 153. Journey to obtain medical certificate.—If a Government servant is compelled to travel to another station in order to obtain a medical certificate in support of his application for leave, he may draw travelling allowance for the journey; but he may not draw travelling allowance for a journey to obtain the countersignature of a medical officer of Government on such a certificate.

NOTE.—Travelling allowance is not admissible for a journey to procure a health certificate on first appointment to Government service.

S. R. 154. Previous permission necessary, if obtainable.—The journeys contemplated by rules 152 and 153 should not be undertaken without the previous permission of the controlling officer, if such permission can be obtained without risk to the Government servant requiring medical advice.

S. R. 155. Probationary Chaplains (Reserved).—A probationary Chaplain who is compelled to make a journey in order to obtain from

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S. R. 154. Medical Board the health certificate which he must produce before confirmation in Government service may draw travelling allowance for the journey.

S. R. 156. Journey to appear before a Medical Board preliminary to retirement.—(a) A Government servant who is directed by his official superior, in the interests of the public service, to apply for an invalid pension may, if he be required to make a journey in order to appear before a Medical Board, draw his actual travelling expenses, subject to a maximum of the amount of travelling allowance calculated for the journey. If it be necessary for him to return to his headquarters after appearing before the Medical Board, he may draw his actual expenses subject to the same maximum. In both cases his travelling allowance bill must be supported by a certificate that he was directed to apply for an invalid pension in the interest of the public service and that he did not voluntarily ask to retire.

(b). A competent authority may allow actual expenses, as limited by clause (a) of this rule, to be drawn by a Government servant who voluntarily applies for an invalid pension: Provided that the authority is satisfied that the circumstances of the applicant are such as to justify the concession.

S. R. 157. Journey to appear before a Medical Board in other circumstances.—Except as provided in rules 155 and 156, no travelling allowance is admissible for a journey undertaken in order to appear before a Medical Board.

S. R. 158. Rates of travelling allowance under this section.—Travelling allowance under rules 152, 153, 155 and 156 (a) should be calculated as for journey on tour, but no allowance may be drawn for halts on the journeys.

Section XVIII.—Journey in Attendance on an Incapacitated Government Servant.

S. R. 159. If a Government servant, under the advice of a Civil Surgeon or other medical officer of Government whose duty it is to attend him professionally, is required to travel to a presidency town or elsewhere, either when proceeding on leave or in order to obtain further medical advice, and the medical officer considers that it would be unsafe for him to make the journey unattended, the medical officer may either himself accompany the patient to his destination or arrange that some other person shall do so. In that case, the attendant, if a Government servant, shall be deemed to have been travelling on duty and may draw travelling allowance for the outward and return journey as for a journey on tour; if not a Government servant, he shall be entitled to actual expenses.

NOTE.—A person told off to be a "sick attendant" under rule 296 of the Eastern Frontier Rifles Regulations is entitled to the benefits of this rule. (Mengal Government, Finance Department, No. 615-F., dated the 11th February 1928.)

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Section XIX.—Journey on a Course of Training.

S. R. 100. When a Government servant or a student not already in Government service is selected to undergo a course of training, a competent authority may decide the scale, if any, on which he shall draw—

- (a) travelling allowance for the original journey to and the last journey from the place of training, and for halts at such place;
- (b) in the case of training at a school, college or similar institution, travelling allowance for similar journeys on the occasion of holidays and vacations; and
- (c) travelling allowance for journeys during the course of training :

Provided that the scale so fixed shall not exceed that admissible to Government servants of similar status on duty at the place of training.

NOTE.—A list of cases in which travelling allowance is allowed for journeys to undergo training is given in Appendix No. 16.

Section XX.—Journey to attend a Durbar or Levée.

S. R. 161. A Government servant who is permitted to attend a durbar or a levée elsewhere than at his headquarters may draw travelling allowance for the journey as for a journey on tour.

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Chapter IV.—Travelling allowance admissible when means of transport are supplied without cost to the Government servant travelling.

Section XXI.—Supply of Free Accommodation on Railway Journeys.

S. R. 102. Reservation of first class compartments (Reserved).—The Member of the Board of Revenue when travelling on duty within his sphere of duty is entitled—

- (1) when travelling by railway to a reserved first class compartment to be obtained by requisition and to fares (if actually paid) for four servants at lowest class rates;
- (2) when travelling by steamer to a reserved cabin (if one is available) and to fares (if actually paid) for four servants at lowest class rates subject to the usual deduction on account of messing charges; and
- (3) when travelling by road to a mileage of 8 annas.

S. R. 103. Reserved.—A Judge of the High Court when travelling on duty is entitled—

- (1) when travelling by railway to a reserved first class compartment and to fares (if actually paid) for four servants at lowest class rates;
- (2) when travelling by steamer to a reserved cabin (if one is available) and to fares (if actually paid) for four servants at lowest class rates subject to the usual deductions on account of messing charges; and
- (3) when travelling by road to a mileage of 1 rupee.

He is also entitled to draw daily allowances for each day on which he has been engaged in inspection work.

S. R. 104. Procedure of requisition.—The procedure to be followed in submitting a requisition for reserved accommodation shall be such as may be prescribed by the Railway Board.

S. R. 105. Effect of requisition of a carriage.—When a Government servant travels in a carriage reserved by requisition, the carriage is entirely at his disposal and may be detached and detained at any railway station at his request.

S. R. 106. Free passes.—The issue of free passes for journeys by railway is regulated by rules made in this behalf by the Railway Board.

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Section XII.—Travelling Allowance admissible when the whole or part of the means of conveyance is supplied without Charge.

SUB-SECTION (I).—JOURNEYS BY RAILWAY.

S. R. 167. Journeys made by railway in accommodation reserved by requisition.—The travelling allowance admissible to a Government servant who makes a journey by railway in accommodation reserved by requisition is prescribed in sub-section (IV) of section IX and elsewhere in these rules.

S. R. 168. Free transit by railway otherwise than in accommodation reserved by requisition.—When a Government servant is entitled to, or is allowed free transit by, railway otherwise than in accommodation reserved by requisition, whether on a free pass or otherwise, the mileage allowance which he draws for the journey must be reduced by the amount of the fare which, but for such free transit, he would have paid. This rule applies to cases in which a free pass is issued on any railway, whether worked by Government or not. The reduction made must include the full number of fares covered by the pass, unless the Government servant certifies that he did not use the pass in respect of any fare or fares for which no reduction is made.

Note.—The circumstances under which a free pass may be given are irrelevant and it is immaterial whether it is held by an officer in his official capacity or not.

S. R. 169. Government servant in receipt of permanent travelling allowance.—When a Government servant in receipt of permanent travelling allowance uses a free pass on a railway or a company's steamer within his sphere of duty, he must deduct from his permanent travelling allowance for the month the amount of the railway or steamer fares which he would have paid if he had not travelled on a pass.

S. R. 170. Government servant entitled to travel in a higher class on payment of a lower fare.—When a Government servant is permitted to travel by railway in a higher class on payment of a lower fare, his mileage allowance must be reduced by the amount by which the fare of the class in which he travels exceeds the fare actually paid.

Note.—Deductions on account of members of an officer's family should be made as in the case of the officer himself.

S. R. 171. Government servant travelling with a free pass on an unopened line of railway.—A Government servant travelling with a free pass on an unopened line of railway is entitled to the travelling allowance prescribed in rule 174 as limited by rule 176.

SUB-SECTION (II).—JOURNEYS BY SEA OR RIVER IN A STEAMER.

S. R. 172. Journey by Government vessel.—When a Government servant travels by sea or river, otherwise than on payment of passage money, in a steamer, the cost of which is paid by Government or by a local fund, he may draw no travelling allowance except the daily allowance of his grade: Provided that, when his servants and

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luggage are not conveyed on the vessel but are sent separately at his expense, he may draw, in addition, the actual cost of transporting them.

Note.—The daily allowance admissible under this rule may be drawn in addition to mileage on the same day, if the journey by means of locomotion provided at the expense of Government, a local fund, etc., begins in the forenoon or ends in the afternoon.

S. R. 173. When a Government servant is allowed free transit by steamer, otherwise than in a Government vessel, the mileage allowance which he draws for the journey must be reduced by the amount of the fare which, but for such free transit, he would have paid. If he travels on a free pass, the reduction made must include the full number of fares covered by the pass, unless the Government servant certifies that he did not use the pass in respect of any fare or fares for which no reduction is made.

Note.—Passage gratuities payable in all cases to officers last employed in India, excluding Burma, are first class railway or steamer fares to Bombay, plus cost of first class passage by P. and O. Steam Navigation Company's line at "B" rates.

SUB-SECTION (III).—OTHER JOURNEYS.

S. R. 174. Free transit by boat, road, etc.—Except where otherwise expressly provided in this section, when, on a journey other than a journey by railway or by steamer, a Government servant uses a means of locomotion provided at the expense of Government, a local fund or an Indian State, and does not pay the cost of its use or propulsion, he is entitled to travelling allowance as follows:—

- (a) If he has not to provide separate conveyance at his own expense for his servants or luggage, he may draw the daily allowance of his grade and may not exchange it for mileage allowance. If, however, part of the journey is made by other means of locomotion, he may, at his option, draw in lieu of daily allowance the mileage allowance admissible for that part.
- (b) If he has to provide separate conveyance at his own expense for his servants or luggage, he may, if the conditions of rule 81 or 82 are fulfilled, exchange his daily allowance for half the mileage allowance calculated for the journey and draw, in addition, the mileage allowance admissible for any part of the journey made by other means of locomotion.

Note 1.—The travelling allowance of Government servants travelling by trolley or construction train along an unopened portion of a line is regulated by clause (a) of the rule.

Note 2.—The daily allowance admissible under this rule may be drawn in addition to mileage on the same day, if the journey by means of locomotion provided at the expense of Government, a local fund, etc., begins in the forenoon or ends in the afternoon.

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S. R. 175. When the Government servant pays the cost of propagation.—When a Government servant is provided with means of locomotion as in rule 174, but pays all the cost of its use or propulsion, he may draw travelling allowance under the ordinary rules, subject to the deduction of such fixed hire or charge as a competent authority may fix.

Note 1.—Government servants, when travelling on duty in a steamer, steam-launch and motor-launch under the control of Government shall be charged the following rates:—

- (a) For the first four hours during which the vessel is under steam—Rs. 1 for each hour or each uncompleted portion of an hour.
- (b) After the first four hours—Rs. 2 for each hour or each uncompleted portion of an hour.
- (c) When two or more Government servants travel together in the same steamer or launch, each Government servant shall pay the full charge laid down in these rules.
- (d) Stoppages exceeding half an hour in duration will be deducted from the time charged.
- (e) No charge whatever will be made when the steamer or launch travels empty.

Note 2.—(a) Government servants travelling in a Government boat and maintaining the crew (wholly or in part) shall pay the following daily rates of hire:—

	Rs. A.
(i) By Government servants whose daily allowance is Rs. 1 or less	Nil.
(ii) By Government servants whose daily allowance is more than Re. 1 but not more than Rs. 5	... ... ... 1 0
(iii) By Government servants whose daily allowance is more than Rs. 5 but not more than Rs. 6	... ... ... 1 8
(iv) By Government servants whose daily allowance is more than Rs. 6	... ... ... ... 2 0

(b) In the case of two or more Government servants whose daily allowances are in each case Rs. 5 or more, the total daily rate of hire is Rs. 2 payable in proportion to the rates of daily hire payable by the Government servants under prescribed scale.

Note 3.—(a) Government servants using Government elephants will be responsible for the proper treatment of the elephants while in their possession and will pay a fixed charge of 8 annas per diem for each elephant used. The payment to Government must continue to be made during halts, if travelling allowance is drawn during them.

The charge for any month may be remitted by the controlling officer, when it is certified that the elephant could not be used owing to illness and that the illness was not due to neglect on the part of the Government servant responsible for the maintenance of the elephant.

(b) Assistant Conservators, Extra Deputy Conservators and Extra Assistant Conservators, when in charge of Forest Divisions, should pay Rs. 45, Rs. 35 and Rs. 35 per mensem, respectively, for two elephants for six months from November to April. When they are not in charge of divisions they may be allowed one elephant for which they should pay Rs. 15 a month for the same period.

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S. R. 176. Exceptions.—The provisions of rules 174 and 175 do not apply to a Government servant of the fourth grade or to any other Government servant or class of Government servants to whom a competent authority may declare them to be inapplicable.

Note.—Rules 174 and 175 are not applicable to the following cases:—

- (i) *Gazetted Government servants and Rangers of the Forest Department serving in the Divisions of Dacca and Mymensingh and the Sunderbans.*—Entitled to half the daily allowance admissible under S. R. 58 without deduction of hire.
- (ii) *Government servants of the combined Excise and Salt Department.*—Draw daily allowance at ordinary rates without additional 50 per cent. but no mileage, when travelling by Government steamer or boat, without deduction of hire.
- (iii) *Government servants provided with elephants required for the conduct of professional operation and not for their private use.*—Daily allowance without deduction of hire.

S. R. 177. Journeys by Government motor-car.—A Government servant, who travels by a motor-car which has been supplied to him at the expense of Government on the condition that he himself bears the ordinary cost of maintenance, may draw travelling allowance as for a journey on tour, but the amount of the mileage allowance which he may draw is limited by the following conditions:—

- (a) If he travels by the motor-car more than 20 miles in one day, he may draw for the first 20 miles the mileage allowance of his grade as laid down in rule 81 and for the remainder of the journey three-fourths of such mileage allowance.
- (b) If he combines with a journey by the motor-car a road journey by other conveyance, he may draw the mileage allowance admissible for the first 20 miles or for the journey by other conveyance, whichever is greater, and for the remainder of the journey three-fourths of such mileage allowance.
- (c) If he combines with a journey by road, whether made wholly or partly in the motor-car, a journey by railway or steamer, he may draw mileage allowance for the journey by railway or steamer, in addition to the allowances admissible under clauses (a) and (b) of this rule for the journey by road.

S. R. 178. Chauffeurs of Government motor-cars.—The chauffeur of a motor-car supplied at the expense of Government, when making a journey by road on the motor-car in his charge, may draw travelling allowance under the provisions of rule 174 (a) if the journey involves an absence of at least one night from his headquarters. For a journey which does not involve such an absence, is entitled to no travelling allowance.

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Chapter V.—Grant of Travelling Allowance to Persons who are not in the Civil Service of the Crown.**Section XXIII.—Government Servants in Military Employ.**

S. R. 179. General rule.—Except as provided in rule 180, the travelling allowance admissible to Government servants in military employ is governed by military regulations.

S. R. 180. Military officers invited to attend a durbar or levée.—When a commissioned Indian military officer of the regular forces, the military police or the militia, whether on the active or the retired list, is invited to attend a durbar or levée at a place other than that at which he is stationed or has his residence, a competent authority may grant him travelling allowance for the journey subject to the following limits:—

- (a) For the journey from his station or place of residence to the place at which the durbar or levée is held and thence back to his starting point, single railway and steamer fares actually paid, and actual travelling expenses for journeys by road, subject to the maximum admissible to a Government servant of the first grade.
- (b) For halts at the place at which the durbar or levée is held, a daily allowance of Rs. 4.

Section XXIV.—Other Persons.

S. R. 181. Honorary Magistrates.—An Honorary Magistrate, not being a Government servant, may, when employed on Government work under the orders of a District Magistrate or Subdivisional Officer at a distance exceeding 5 miles from his headquarters, or when the bench which he attends is situated at a similar distance from his residence, draw such travelling allowance as would be admissible to a Government servant of the second grade in respect of similar journeys. During halts when similarly employed he may draw daily allowance of Rs. 4, subject to the conditions applicable to halts of Government servants on tour.

S. R. 182. Persons attending commissions of enquiry, etc.—(a) When any person, not being a Government servant, is required to attend any meeting of a commission of enquiry or of a board, conference, committee or departmental enquiry convened under proper authority, or is required to perform any public duties in an honorary capacity, a competent authority may grant him travelling allowance for the journey calculated under the ordinary rules for the journey of a Government servant on tour, and for this purpose may declare, by general or special order, the grade to which such person shall be considered to belong.

Note 1.—Except in special cases, which would be considered individually on their merits, when travelling allowance is granted by the order of a competent authority to any person not being a Government servant for attending any meeting of a commission of enquiry, or of a board, conference, committee or departmental enquiry convened under proper authority, or, for performing any public

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duties in an honorary capacity, he shall draw travelling allowance at the rates ordinarily admissible to an officer of the second grade, and daily allowance at the rate of Rs. 4.

NOTE 2.—When a Government servant, while on leave or during vacation, is employed as an honorary organizer of co-operative societies, he may draw travelling allowance not exceeding the amount to which he would be entitled if not on leave and performing his ordinary official function, provided that the Head of the Department or office to which he belongs agrees to his having been so employed.

NOTE 3.—Travelling expenses paid to private individuals, who are summoned from one station to another for inspection by the proper authority before selection as candidate for an appointment, are treated as a contingent charge, rules regarding which have been incorporated in the Accountant-General's Audit Manual.

NOTE 4.—Non-official persons appointed as members of, or assessors at, a Marine Court under the provisions of Chapter IV of the Inland Steam Vessels Act (Act I of 1917), shall be treated as first grade officers for journeys undertaken for the purpose of attending the court or transacting business in connection with their duties as members or assessors.

(b) In a case of the kind contemplated by clause (a) of this rule, a competent authority may, in its discretion, grant to the person concerned his actual travelling, hotel and carriage expenses instead of travelling allowance under that clause.

(c) A competent authority may delegate the power conferred upon it by clause (a) of this rule to the Government servant presiding over the meeting of the commission or other body which the person concerned is required to attend.

TRAVELLING ALLOWANCE.

Chapter VI.—Controlling Officers.

Section XXV.—Signature on Travelling Allowance Bills.

S. R. 183. Controlling officer to be declared by competent authority.—A competent authority shall declare what authority shall be the controlling officer, for travelling allowance purposes, of each Government servant or class of Government servants. It may, if it thinks fit, declare that any particular Government servant shall be his own controlling officer.

Note.—A list of Government servants declared as controlling officers for travelling allowance purposes is given in Appendix No. 17.

S. R. 184. Signature of controlling officer necessary on a travelling allowance bill.—Except as provided in rule 185, no bill for travelling allowance, other than permanent travelling allowance, shall be paid unless it be signed or countersigned by the controlling officer of the Government servant who presents it.

S. R. 185. Exceptions (Reserved).—The following classes of Government servants may present bills for travelling allowance without the countersignature of the controlling officer:—

(a) Chaplains; provided that the bill is accompanied by the order authorising the journey of—

(i) the Bishop or Commissary of the diocese, in the case of a Chaplain of the Church of England, or

(ii) the Presidency Senior Chaplain, in the case of Chaplain of the Church of Scotland.

(b) Non-gazetted Government servants; provided that detailed and countersigned bills are subsequently submitted to the audit officer for adjustment.

S. R. 186. Delegation of duty of countersignature.—Except where expressly permitted by a competent authority, a controlling officer may not delegate to a subordinate his duty of countersignature.

Section XXVI.—Duties and Powers.

S. R. 187. It is the duty of a controlling officer, before signing or countersigning a travelling allowance bill—

(a) to scrutinise the necessity, frequency and duration of journeys and halts for which travelling allowance is claimed, and to disallow the whole or any part of the travelling allowance claimed for any journey or halt if he considers that a journey was unnecessary or unduly protracted or that a halt was of excessive duration;

(b) to scrutinise carefully the distances entered in travelling allowance bills;

(c) to satisfy himself that, where the actual cost of transporting servants, personal effects, etc., is claimed under these rules, the scale on which such servants, effects, etc., were transported was reasonable; to obtain the receipts from the

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railway or steamer companies and personal certificates from the Government servant for the purpose, and to disallow any claim which, in his opinion, does not seem to be reasonable;

Note.—The railway or steamer company's receipts (in the case of bills for personal effects carried by railway or steamer) and the personal certificate of the officer (in the case of bills for personal effects carried otherwise or for journeys of members of an officer's family, etc.) should be attached to the bill for the information of the audit authorities.

- (d) to check any tendency to abuse the option of exchanging daily allowance for mileage allowance; and
- (e) to observe any subsidiary rules which a competent authority may make for his guidance.

Provision of Residences.

45. A local Government may make rules laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences, of such buildings owned or leased by it, or such portions thereof as the local Government may make available for the purpose. Such rules may lay down different principles for observance in different localities or in respect of different classes of residences, and may prescribe the circumstances in which such an officer shall be considered to be in occupation of a residence.

45A. I. This rule applies, with effect from the 1st April 1924, to members of the services and to Government servants holding the posts included in the Schedule to this rule and to Government servants who hold in a substantive capacity posts borne on the cadre of the services included therein.

II. For the purpose of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water-supply and electric installations and fittings, but exclude the cost or value of the site (including expenditure on its preparation), and shall be either—

- (a) the cost of acquiring or constructing the residence and capital expenditure incurred after acquisition or construction; or, when this is not known,
- (b) the present value of the residence.

Note.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

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Provide that—

- (i) a local Government may make rules providing the manner in which the present value of residences shall be determined;
- (ii) a local Government may make rules determining what expenditure is to be regarded, for the purpose of sub-clause (a) above, as expenditure upon the preparation of a site;
- (iii) a local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation;
- (iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases the estimated amount of such charges;
- (v) a local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—
 - (1) when a portion of the residence must be set aside, by the officer to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business; or
 - (2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;
- (vi) in assessing the cost or value of the sanitary, water-supply and electric installations and fittings, a local Government may by rules determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows:—

- (a) in the case of leased residences, the standard rent shall be the sum paid to the lessor *plus* an addition

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determined under rules which a local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs, and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes payable by Government;

- (b) in the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence and shall be either—
 - (i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council *plus* an addition for municipal and other taxes payable by Government and for both ordinary and special maintenance and repairs, such addition being determined under rules which a local Government may make; or
 - (ii) 6 per cent. per annum of such capital cost, whichever is less;
- (c) in both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a local Government may fix a standard rent to cover a period greater than one month but not greater than one year. Where a local Government takes action under this proviso, standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under rule 45 above bears to one year.

Note 1.—For the purpose of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

Note 2.—A local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

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IV. When Government supplies an officer with a residence leased or owned by Government, the following conditions shall be observed :—

- (a) the scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant;
- (b) unless in any case it be otherwise expressly provided in these rules, he shall pay rent for the residence, and such rent shall be the standard rent as defined in clause III above or 10 per cent. of his monthly emoluments, whichever is less;
- (c) nothing contained in clause (b) above shall operate to prevent a local Government from—
 - (i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled :—
 - (1) that the basis of assessment is uniform; and
 - (2) that the amount taken from any officer shall not exceed 10 per cent. of his monthly emoluments;
 - (ii) taking a rent in excess of that prescribed in sub-clause (b) above from an officer—
 - (1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him; or
 - (2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him; or
 - (3) who is in receipt of a compensatory allowance granted on account of dearness of living.

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V. In special circumstances, for reasons which should be recorded, a local Government—

- (a) may, by general or special order, grant rent-free accommodation to any officer or class of officers; or
- (b) may, by special order, waive or reduce the amount of rent to be recovered from any officer.

VI. If a residence is supplied with services, other than water-supply, sanitary or electric installations and fittings, such as furniture, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent under clause IV. The tenant will also be required to pay meter hire and the cost of the water, electric energy, etc., consumed. A local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. A local Government may by rule prescribe that this rule shall apply, with effect from any date not earlier than the 1st of April 1924, to any Government servant or class of Government servants other than those mentioned in the rule.

VIII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India in whose case the amount so payable is prescribed by the Secretary of State in Council.

45B. I. This rule applies to Government servants other than those to whom rule 45A applies or is made applicable under the provisions of clause VII of that rule, or than those occupying residences belonging to a State Railway, or rented at the cost of railway revenues.

II. For the purpose of sub-clause (b) of clause III, the capital cost of a residence owned by Government shall not include the cost or value of such special services and installations (including furniture, tennis courts and sanitary, water-

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supply or electric installations and fittings) as it may contain; and shall be either—

- (a) the cost of acquiring or constructing the residence, including the cost of site and its preparation and any capital expenditure incurred after acquisition or construction; or, when this is not known,
- (b) the present value of the residence including the value of site.

Note.—The cost of restoration or special repairs shall not be added to capital cost of present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

. Provided that—

- (i) a local Government may make rules providing the manner in which the present value of residences, including sites, shall be determined;
- (ii) a local Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (a) above as expenditure upon the preparation of a site;
- (iii) a local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation;
- (iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges;
- (v) a local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—
 - (1) when a portion of the residence must be set aside, by the Government servant to whom the residence is allotted, for the reception

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of official and non-official visitors visiting him on business; or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided;

(vi) in assessing the cost or value of the sanitary, water-supply and electric installations and fittings, a local Government may, by rules, determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows:—

(a) in the case of leased residences, the standard rent shall be the sum paid to the lessor, *plus* an addition determined under rules which a local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes payable by Government;

(b) in the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council, *plus* an addition for municipal and other taxes payable by Government and for both ordinary and special maintenance and repairs, such addition being determined under rules which a local Government may make;

(c) in both cases, standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a local Government may fix a standard rent to cover a period greater than one month, but not greater than, one year. Where a local Government takes

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action under this proviso, standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under rule 45 above bears to one year.

Note 1.—For the purpose of sub-clauses (a) and (b) above, the addition for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

Note 2.—A local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies a Government servant with a residence leased or owned by Government, the following conditions shall be observed :—

- (a) the scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant;
- (b) unless in any case it be otherwise expressly provided in these rules, he shall pay rent for the residence, and such rent shall be the standard rent, as defined in clause III above, or 10 per cent. of his emoluments, whichever is less;
- (c) nothing contained in clause (b) above shall operate to prevent a local Government from—
 - (i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area, or of a particular class or classes, for the purpose of assessment of rent subject to the following conditions being fulfilled :—
 - (1) that the basis of assessment is uniform; and
 - (2) that the amount taken from any Government servant shall not exceed 10 per cent. of his emoluments;
 - (ii) taking a rent in excess of 10 per cent. of his emoluments from a Government servant—
 - (1) who is not under its own administrative control; or

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- (2) who is not required or permitted to reside on duty at the station at which the residence is supplied to him; or
- (3) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him; or
- (4) who is in receipt of a compensatory allowance granted on account of dearness of living.

V. In special circumstances, for reasons which should be recorded, a local Government—

- (a) may, by general or special order, grant rent-free accommodation to any Government servant or class of Government servants; or
- (b) may, by special order, waive or reduce the amount of rent to be recovered from any Government servant.

VI. If a residence is supplied with one or more of the following or similar services, furniture, installations (including fittings) for water or electricity supply or for sanitary purposes, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay meter hire and the cost of the water, electric energy, etc., consumed. A local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

Residuous.

45C. For the purpose of rules 45A and 45B, "emoluments" means—

- (i) pay;
- (ii) fees (other than overtime fees) and commission if they are received in addition to pay as part of the authorised remuneration of a post;
- (iii) compensatory allowances, other than travelling allowance, whether drawn from general revenues or from a local fund;
- (iv) exchange compensation allowance;
- (v) pension, other than a pension drawn under the provisions of Chapter XXXVIII, Civil Service Regulations, or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended.

It does not include allowances attached to the Victoria Cross, the Military Cross, the Order of British India or the Indian Order of Merit.

Note 1.—The emoluments of a Government servant paid at piece-work rates shall be determined in such manner as the local Government may prescribe.

Note 2.—The emoluments of an officer on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

*Schedule to Rule 45A.***A.—Services—**

Indian Civil Service.

Indian Police Service.

Indian Agricultural Service.

Indian Educational Service.

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Indian Forest Service.

Indian Forest Engineering Service.

Indian Medical Service (Civil).

Indian Service of Engineers.

Indian Veterinary Service.

Indian Audit and Accounts Service.

Superior Service Officers of the Military Accounts Department.

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Mint and Assay Departments.

Imperial Customs Service.

Superior Telegraph Engineering and Wireless Branches
of the Indian Posts and Telegraphs Department.

Geological Survey of India (Director, Superintendents,
Assistant Superintendents and Chemist).

Indian Meteorological Service (Director-General of
Observatories and Meteorologists).

Department of Mines in India.

Archæological Department.

Zoological Survey of India.

Survey of India, Class I.

Indian Ecclesiastical Establishment.

Political Department of the Government of India.

Medical Research Department (excluding Indian Medical
Service Officers).

Opium Department (excluding officers who joined the
department after the 2nd April 1907).

Bengal Pilot Service.

B.—Posts—

(1) Indian Posts and Telegraphs Department—

(i) In the Postal Department—

Deputy Director-General.

Postmasters-General.

Deputy Postmasters-General.

Assistant Directors-General.

Presidency Postmasters (including Post-
master, Rangoon).

(ii) In the Telegraph Traffic Branch—

Deputy Director-General.

Assistant Director-General.

First Division of the Superior Traffic
Branch.

(2) Commissioners and Assistant Commissioners of
Income-tax.

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(3) Commissioner, Deputy Commissioner and General Managers of the Northern India Salt Revenue Department.

(4) Officers of the Cantonment Department if on the supernumerary list.

Secretary of State's Rules.—The Secretary of State in Council

These rates are as follows :—

Per cent.

(a) Before 1st April 1919 4
 (b) From 1st April 1919 to 31st July 1921
 (c) From 1st August 1921

which is in force, as the standard of return from productive irrigation works, at the time of acquisition or construction of the house. He further directed that the basic interest rate on which rents for houses previously occupied have been calculated may remain unaltered unless in any case they are higher than that now prescribed for houses occupied hereafter.

Government of India's Decision.—For the purpose of assessing rent, the Government of India have decided that the time of construction should be taken as the date on which the accounts of the estimate for the construction of the residence are closed. (Government of India, Finance Department, No. 1061-E.B., dated the 4th September 1922.)

Audit Instructions.—(1) The term "occupant" in Fundamental Rule 45 does not include a Government servant who shares, by private arrangement, a residence with another Government servant. { Audit Instruction Circular No. 31 (II), dated the 9th September 1926. }

(2) The rates of interest given in the following tables should be applied in calculating the standard rent of residences :—

Date of acquisition or construction of the residence.	Rate of interest.	
	Buildings occupied on or before 19th June 1922. Per cent.	Buildings occupied after the 19th June 1922. Per cent.
Before 1st April 1919	3½	4
1st April 1919 to 31st July 1921	3½	5
1st August 1921 to 31st December 1921	3½	6
From 1st January 1922 until further orders	4	6

Note.—The date of construction referred to in column (1) of this table should be taken as the date on which the accounts of the estimate for the construction of the residence are closed. In respect of expenditure on additions and alterations to residences, the interest should be calculated at the rate applicable on the date on which the accounts of the estimates for the additions or alterations are closed. (Paragraph 21 of Audit Instructions issued up to 31st October 1922.)

HONORARIA.

S. R. 186. When, owing to the nature of his duties, a Government servant occupies a Government residence for a part only of the year, he shall pay rent for the period of his occupation. The amount of rent payable shall be the amount that would be payable by the same Government servant under clause (b) or (c) of Fundamental Rule 45 as the rent of that residence, for the period of occupation.

Honoraria.

46. A Government servant may be granted an honorarium from general revenues, or permitted to receive an honorarium or a recurring or non-recurring fee from a private person or body or from a public body including a body administering a local fund, or from an Indian State, in return for work performed either within or outside the course of his ordinary duties, when the work is of such exceptional merit or of such an arduous or peculiar nature as to justify a special reward. The reasons for the grant of the honorarium or fee shall be recorded in writing by the sanctioning authority.

Grant of Honoraria and Fees.

Audit Instructions.—The rule required that the reasons for the grant should be recorded in writing, as it is intended that the grant of an honorarium or fee should be carefully controlled by Government and scrutinised by Audit, and that Audit should be given an effective opportunity of comment if it be deemed necessary. Audit officers may, therefore, require that the reasons for the grant of an honorarium or fee should be communicated to them in each case. (Correction to the Manual of Audit Instruction, No. 41, dated the 1st December 1927.)

46A. The Governor-General in Council may make rules prescribing the conditions under which an honorarium or a fee may be received by a medical officer in civil employ, for services other than professional attendance, from a private person or body or from a public body.

47. A local Government may make rules fixing the amounts which may be sanctioned for acceptance by any Government servant other than a medical officer in civil employ as honoraria or fees by the authorities subordinate to it and specifying the conditions under which they may be granted or accepted.

HONORARIA.**Rules dealing with the Grant of Honorarium.**

S. R. 190. Subject to the conditions prescribed in rules 190 to 194, a competent authority may sanction the grant of an honorarium from general revenues to a Government servant under its administrative control or the acceptance by such a Government servant of an honorarium or fee from a source other than general revenues. No Government servant may accept an honorarium or fee without such sanction, and he should obtain this sanction from the competent authority before commencing the work.

S. R. 190. The amount of an honorarium or fee must be fixed with due regard of the value of the service in return for which it is given.

S. R. 191. When the service rendered falls within the scope of the ordinary duties of the Government servant performing it, the test of exceptional merit prescribed in Fundamental Rule 46 must be very strictly applied.

NOTE.—An honorarium shall not be given under this rule for superintendence of examination of candidates rendered compulsory on persons belonging to the public service or any other examination, the conduct of which comes within the ordinary duties of the officer or officers conducting them. But an honorarium may be granted to a Government servant superintending an examination of candidates for admission to the public service or any other examination the conduct of which is declared by the local Government or Head of a Department authorised to hold such examination, not to come within the ordinary duties of the Government servant or servants conducting them.

S. R. 192. Sanction must not be given to the acceptance of an honorarium or fee from a source other than general revenues unless the work for which it is offered has been undertaken with the knowledge and sanction of a competent authority, who must certify that its performance will involve no detriment to the official duties of the Government servant performing it.

S. R. 193. When an honorarium or fee is paid from a source other than general revenues for work done by a Government servant during time which would otherwise be spent in the performance of official duties, the honorarium or fee must be credited to general revenues: Provided that a competent authority may, for special reasons which should be recorded, direct that the whole or any part of it may be paid to the Government servant.

S. R. 194. When a Government servant of an educational service is permitted to receive fees for private tuition, the financial limits of the powers of sanction accorded to a competent authority shall be considered to apply to the total amount of fees to be accepted by such Government servant during any particular scholastic term or vacation.

S. R. 195. No Government servant may act as an arbitrator in any case which is likely to come before him in any shape by virtue of any judicial or executive post which he may be holding.

HONORARIA.

S. R. 100. A Government servant called upon by a court of law to act as a commissioner to give evidence on technical matters may comply with the request: Provided that the case is not of such a nature as will be likely to come before him in the course of his official duties, and may accept such fees as are fixed by the court.

48. Any Government servant is eligible to receive without special permission (a) the premium awarded for an essay or plan in public competition, or (b) any reward offered for the arrest of a criminal or for information or special services in connection with the administration of justice; and also any remuneration or reward payable under any special or local law or in accordance with the provisions of any Act or regulation or rules framed thereunder.

COMBINATION OF APPOINTMENTS.**Chapter VI.—Combination of Appointments.**

49. A local Government may appoint one Government servant to hold substantively, as a temporary measure, or to officiate in, two or more independent posts at one time. In such cases his pay is regulated as follows:—

- (a) the highest pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post;
- (b) for each other post he draws such reasonable pay, in no case exceeding half the presumptive pay (excluding overseas pay) of the post, as the local Government may fix; and
- (c) if a concompensatory allowance is attached to one or more of the posts, he draws such compensatory allowance as the local Government may fix, provided that such allowance shall not exceed the total of the compensatory allowances attached to all the posts.

Audit Instructions.—Rule 49 (b) requires that such pay as may be considered “reasonable” in the circumstances may be given; half the presumptive pay of the post is not therefore to be regarded as the amount normally permissible. (Paragraph 23 of Audit Instructions issued up to 31st October 1922.)

DEPUTATION OUT OF INDIA.

Chapter VII.—Deputation out of India.

50. Unless the Secretary of State in Council by general or special order otherwise direct, no deputation of a Government servant out of India shall be sanctioned without previous reference to the Secretary of State in Council.

Secretary of State's Ruling.—The terms of Fundamental Rule 50 must be interpreted as applying to cases where officers exercise the option of consuming leave and drawing an honorarium of 1/6th pay during the period of duty out of India, i.e., this option can only be exercised by a Government servant whose deputation out of India has been approved by the proper authority. (Government of India, Finance Department, No. F.-101-C.S.R.-26, dated the 30th July 1926.)

Audit Instructions.—(1) The period of the deputation runs from the date on which the Government servant makes over charge of his office in India to the date on which he resumes it; or if the Government servant is on leave out of India at the time he is placed on deputation, the period of the deputation is the time actually occupied by the duty. (Note 1, under Article 85, Civil Service Regulations—Paragraph 3 of Audit Instruction Circular No. 3, dated the 19th March 1923.)

(2) The Secretary of State in Council has decided that the Government of India may sanction the deputation of an officer of Government, whether paid from general revenues or a local fund or in foreign service, on duty outside India otherwise than in Europe or America for not more than 12 months at the cost of Indian revenues.

51. When a Government servant is with proper sanction so deputed, his pay and allowances shall, unless the Secretary of State in Council in any particular case otherwise direct, be regulated by the Governor-General in Council as follows:—

(a) If the deputation is declared by the Governor-General in Council to be under *quasi-European* conditions, the Government servant deputed shall be granted not more than two-thirds of the pay which he would draw if he were on duty in India. The Governor-General in Council may relax the limit of two-thirds in the case of a Government servant of Indian domicile. A compensatory allowance also may be granted by the Secretary of State in Council if the deputation is to Europe or America, or in other cases by the Governor-General in Council.

DEPUTATION OUT OF INDIA.

(b) If the deputation is declared not to be under *quasi-European* conditions, the emoluments of the Government servant deputed shall be determined by the Governor-General in Council with due regard to the provisions of rule 40 above as though a temporary post had been created.

With effect from 13th July 1922, the sterling equivalent of the pay granted under clauses (a) and (b) of this rule to a Government servant during deputation shall be calculated at such rate of exchange as the Secretary of State in Council may by order prescribe.

Secretary of State's Orders.—(1) The Secretary of State in Council has directed that the following rule contained in Article 86, Civil Service Regulations, shall remain in force: "The Government of India may sanction the deputation of an officer of Government, whether paid from general revenues or a local fund or in foreign service on duty outside India otherwise than in Europe or America for not more than 12 months at the cost of Indian revenues." (Government of India, Finance Department, Resolution No. 633-C.S.R., dated the 22nd June 1922.)

(2) The Secretary of State in Council has directed that the following rules shall regulate the deputation out of India of subordinate police officers.

The Government of India, or, in cases in which the cost is met from provincial revenues, a local Government may depute a subordinate police officer to any country outside India, to accompany or take charge of criminals or lunatics, or on any other business, which is part of his duty as a police officer, and may grant to the officer so deputed—

- (a) full pay, for the entire period of absence from India; with
- (b) actual travelling expenses, and a subsistence allowance not exceeding the following scale, while in any country outside India:—

	<i>s. d.</i>
For an officer of the Inspector Class	... 22 6 a day.
For an officer of the Sergeant Class	... } 15 0 a day.
For an officer of the Constable Class	... }

The local Government may delegate their powers under this rule to officers of a rank, not lower than Deputy Inspectors-General of Police, or Commissioner of Police in Calcutta. (Government of India, Finance Department, Resolution No. 1224-C.S.R., dated the 10th November 1922.)

Note.—The words "an officer of the Inspector Class" used in this paragraph include a Deputy Inspector and a Sub-Inspector. (Government of India, Finance Department, No. F-4-XXVIII-R-J/28, dated 29th September 1928.)

DEPUTATION OUT OF INDIA.

(3) The orders of the Secretary of State in Council regarding the eligibility of officers placed on deputation outside India for a return passage to India on the expiry of their deputation are contained in the extract of his despatch No. F-911/23, dated the 8th March 1923, reproduced below:—

I am, therefore, to ask that if the Government of India see no objection, it may be made clear to local Governments and to officers proceeding on deputation from time to time that the grant of a return passage to India on conclusion of a deputation is conditional on an officer's return to duty forthwith on the conclusion of the deputation, unless an arrangement to the contrary effect should be specially permitted at the time the deputation closes, or is about to close, and the proposed leave is begun.

(Vide Government of India, Finance Department, No. 598-C.S.R., dated the 26th April 1923.)

(4) The Secretary of State in Council has decided that officers on deputation out of India, whether sent on deputation from India or placed on deputation while on leave in the United Kingdom, may, if average pay leave would otherwise be admissible, convert deputation into leave on average pay *plus* an honorarium of one-sixth of Indian pay, on the condition that in both cases the cost of passages both from and to India is borne by the officer. (Government of India, Finance Department, No. F.-120-C.S.R.-25, dated the 4th January 1925.)

Note.—The periods of deputation converted into leave should count for pension as leave and not as deputation. (Government of India, Finance Department, No. F.-120-C.S.R.-25, dated the 19th November 1925.)

(5) Where a rule made by the Secretary of State in Council regarding payments or recoveries refers to a rate of exchange which the Secretary of State in Council may by order prescribe, that rate shall, until further orders, be the rate notified by the Controller of the Currency for telegraphic transfers from Calcutta on London on the 20th of the month preceding that in which the payment or recovery is made. (Government of India, Finance Department, No. F.-283-C.S.R.-26, dated the 29th September 1926.)

(6) The Secretary of State in Council has decided that, subject to the consideration of special cases, where an officer is placed on deputation in Europe or America while on leave out of India, the deputation shall be regarded as an interruption of the leave already granted. The expression "at any one time" in Fundamental Rule 81 (6) should be interpreted as meaning "in each separate period of leave granted." The effect of this ruling will be that in ordinary circumstances the leave of such an officer will be extended by the period of the deputation, but the deputation will not entitle him to a fresh grant of leave.

DISMISSAL AND SUSPENSION.

Chapter VIII.—Dismissal and Suspension.

52. The pay and allowances of a Government servant who is dismissed from service cease from the date of such dismissal.

53. A Government servant under suspension is entitled to the following payments :—

- (a) If a military officer in civil employ, to the pay and allowances of his military rank.
- (b) In any other case, to subsistence grant.

Audit Instructions.—While the suspending authority has discretion under this rule to fix the amount of subsistence grant at such figure as he may think fit, subject to the prescribed maximum, he has no authority under clause (b) of Fundamental Rule 53 to refuse a subsistence grant altogether in any case which falls under that clause. (Paragraph 1 of Audit Instruction Circular No. 20, dated the 17th November 1924.)

54. When the suspension of a Government servant as a penalty for misconduct is, upon reconsideration or appeal, held to have been unjustifiable or not wholly justifiable; or

When a Government servant dismissed or suspended pending enquiry into alleged misconduct is, upon reconsideration or appeal, reinstated;

the revising or appellate authority may grant to him for the period of his absence from duty—

- (a) if he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed or suspended and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal or suspension; or
- (b) if otherwise, such proportion of such pay and allowances as the revising or appellate authority may prescribe.

In a case falling under clause (a), the period of suspension or dismissal will be treated as a period spent on duty. In a case falling under clause (b), it will not be treated as a period spent on duty unless the revising or appellate authority so direct.

DISMISSAL AND SUSPENSION.

Government of India's Instructions.—Posts vacated by dismissed Government servants may be filled substantively, subject to the condition that the arrangements thus made will be reversed if the dismissed Government servant is reinstated on appeal. (Government of India, Finance Department, No. F.-28-R. 1/28, dated the 22nd May 1928.)

S. R. 197. No extra cost may ordinarily be imposed on the State by the grant of an allowance under Fundamental Rules 53 (b) and 54 without the permission of the local Government. In cases, however, when it does not exceed Rs. 500 and where the period during which the Government servant has remained unemployed through suspension or dismissal does not exceed 6 months, the excess expenditure may be admitted on the sanction of the suspending authority or the revising or appellate authority, as the case may be.

S. R. 198. Fundamental Rule 54 applies also to Government servants in temporary employ, but in deciding whether an allowance should be granted to such Government servants the period for which the temporary appointment has been sanctioned should be taken into consideration.

Committals to Prison.

S. R. 199. A Government servant committed to prison, either for debt or on a criminal charge, should be considered as under suspension from the date of his arrest, and not allowed to draw any pay until the termination of the proceedings against him, when an adjustment of his allowances should be made according to the circumstances of the case, the full amount being given only in the event of the Government servant being acquitted of blame or (if the imprisonment was for debt), of its being proved that the Government servant's liability arose from circumstances beyond his control.

55. Leave may not be granted to a Government servant under suspension.

COMPULSORY RETIREMENT AND RESIGNATION OF OFFICE.

Chapter IX.—Compulsory Retirement and Resignation of Office.

58. (a) Except as otherwise provided in this rule, a Government servant, other than a ministerial servant, is required to retire on attaining the age of 55 years. He may be retained in service after that age with the sanction of the local Government on public grounds, which must be recorded in writing; but he must not be retained after the age of 60 years except in very special circumstances.

(b) A ministerial servant may be required to retire at the age of 55 years, but should ordinarily be retained in service, if he continues efficient, up to the age of 60 years. He must not be retained after that age except in very special circumstances, which must be recorded in writing, and with the sanction of the local Government.

(c) The following are special rules applicable to particular services :—

(i) A member of the Indian Civil Service, who is not a Judge of a Chief Court, must retire after 35 years' service counted from the date of his arrival in India; provided that, if he has held his post for less than five years, he may, with the sanction of the Governor-General in Council, be permitted to retain it until he has held it for that period.

(ii) A member of the Indian Civil Service, who is a Judge of a Chief Court, must retire on attaining the age of 60 years.

(iii) In the case of incumbents of the posts mentioned below, other than members of the Indian Civil Service, the age-limit is 60 years :—

Posts specified in rule 98—Legal Remembrancer and Secretary to the Legislative Council of the Punjab.

COMPULSORY RETIREMENT ETC.

(iv) A Civil Engineer in the Public Works or Railway Department must retire on reaching the age of 55 years, and may be required by the Governor-General in Council to retire on reaching the age of 50 years if he has not attained to the rank of Superintending Engineer; provided that, in the case of Chief Engineers, the local Government may in special circumstances, which should be recorded in writing, grant an extension of service not exceeding three months.

(v) A civilian in the Superior Railway Revenue Establishment or the Superior Establishment of the Telegraph Department must retire on reaching the age of 55 years.

Note.—This sub-clause does not apply to members of the first and second divisions of the Superior Telegraph Traffic Branch (other than officers of the old Superior Telegraph Establishment, nor to those of the second division of the Superior Telegraph Engineering and Technical Branches, whose retirement is governed by clause (a) of this rule.

(vi) The Bishops of Lahore, Rangoon, Lucknow and Nagpur though borne on the cadre of the Indian Ecclesiastical Establishments are not subject to any rule requiring their retirements at a particular age.

(vii) The following provisions are applicable to military officers in civil employ :—

- (1) Officers of the Indian Medical Service must retire from civil employ at the age of 55 years, provided that—
 - [1] a Director-General of the Indian Medical Service may remain in service up to the age of 60 years;
 - [2] Surgeons-General and Inspectors-General of Civil Hospitals may remain in civil employ up to the age of 57 years; and
 - [3] a Lieutenant-Colonel who entered the service before the 1st April 1911 and was specially selected for increased pay on or before the 16th February 1921 may remain in civil employ till

COMPULSORY RETIREMENT ETC.

he completes 30 years' service; but if he is specially selected for increased pay after the 16th February 1921, he shall be retired on attaining the age of 55 years, unless he has not completed 27 years' service for pension, in which case he may be retained until he completes such period of service.

- (2) Military officers in the Survey of India Department cease to be in civil employ on reaching the age of 55 years, unless granted an extension by the Secretary of State in Council.
- (3) Military commissioned officers serving in the Public Works or Railway Department cease to be in civil employ under the same conditions as govern the retirement of Civil Engineers of those departments. In addition, an officer of the Royal Engineers must retire on attaining the rank of General Officer; provided that, if he is holding a post of Chief Engineer, he may, with the sanction of the Governor-General in Council, be permitted to complete a five years' tenure of the post, unless in the meantime he is required to vacate office under some other regulation.
- (4) Military officers serving in any department, other than those mentioned in (1) to (3) of this sub-clause, cease to be in civil employ on reaching the age of 55 years; but any such officer, being a military commissioned officer, and having held his post for less than five years, may for special reasons, with the sanction of the Governor-General in Council, be permitted to retain it until he has held it for that period.

Note 1.—This rule does not apply to a Government servant who is appointed to any post by His Majesty the King-Emperor of India, or by the Governor-General in Council with His Majesty's approval.

Note 2.—For the purpose of sub-clauses (i) (vii) (g) and (vii) (d) of clause (c) of this rule, officiating tenure of a post shall be included in calculating the period of five years.

Note 3.—The grant, under rule 86, of leave extending beyond the date on which a Government servant must compulsorily retire, or beyond the date up to which a Government servant has been permitted to remain in service, shall be treated as sanctioning an extension of service up to the date on which the leave expires.

COMPULSORY RETIREMENT ETC.

Audit Instructions.—The period of 5 years referred to in sub-clause (c) (i), Fundamental Rule 56, begins to run from the date on which the Government servant first takes up the office, whether substantively or temporarily, provided that, if temporarily, he is confirmed without reverting to his substantive post; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher post, i.e., the period of temporary promotion is included in the period of five years. (Paragraph 25 of Audit Instructions issued up to 31st October 1922.)

Secretary of State's Ruling.—The age of superannuation referred to in sub-clause (c) (iii) should be 60 years in case of all incumbents of the posts included in Fundamental Rule 98, which has replaced Article 547, Civil Service Regulations, irrespective of whether the officer concerned is recruited directly or promoted from a subordinate post. (Secretary of State's telegram No. 3725, dated the 18th October 1923, received with Government of India, Finance Department, No. 2053-C.S.R., dated the 16th November 1923.)

Audit Instructions.—The Law Officers referred to in sub-clause (c) (iii) to whom the old rule in Chapter XXIV, Civil Service Regulations, applied on the 25th June 1901, are exempt from compulsory retirement at 55 years of age. (Paragraph 26 of Audit Instructions issued up to 31st October 1922.)

Government of India's Ruling.—In the case of officers who have not elected to serve under the amended rules for the retirement of officers of the I. M. S. (*vide* the Royal Warrant, dated the 13th June 1919), the ages prescribed in the old rules may be taken as the date of compulsory retirement.

In the case of an administrative Medical Officer, who reaches the age for compulsory retirement before the expiry of his term of service, or who completes his term of service before he has reached the age for compulsory retirement, six months' leave under Fundamental Rule 86 may be granted, provided that in no case is the officer allowed to draw pension before the termination of his leave. (Government of India, E. & H. Department, No. 132, dated the 1st March 1923, received with Government of India, Finance Department, No. 424-C.S.R., dated the 7th March 1923, with Government of India, Finance Department, No. 572-C.S.R., dated the 14th April 1923.)

Government of India's Ruling.—The provision in sub-clause (c) (ii) (1) [1] and [2] are not applicable to officers of the I.M.S. promoted prior to 13th June 1919, unless such officers elected to come under the Royal Warrant, dated the 13th June 1919, in accordance with paragraph 3 of the Army Department Notification No. 2649, dated the 15th August 1919. (Government of India, E. & H. Department, No. 474, dated the 26th July 1922.)

Audit Instructions.—(1) The period of five years referred to in sub-clause (c) (vi) (3) begins to run from the date on which the officer first becomes entitled to draw the full pay of the post, whether holding the post substantively or only in an officiating capacity; provided that, if officiating, he is confirmed in the post without a break of service. (Paragraph 27 of Audit Instructions issued up to 31st of October 1922.)

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(2) The period of five years referred to in sub-clause (c) (vi) (4) begins from the date on which the officer first takes up the office, whether substantively or temporarily; provided that, if temporarily, he is confirmed without reverting to his substantive post; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher post, i.e., the period of temporary promotion is included in the period of five years. (Paragraph 28 of Audit Instructions issued up to 31st October of 1922.)

(3) When a Government servant is required to retire, revert or cease to be on leave on attaining a specified age, the date on which he attains that age is reckoned as a non-working day, and the Government servant must retire, revert, or cease to be on leave (as the case may be) with effect from and including that day. This rule applies to all Government servants, Civil, Military or Naval. (Paragraph 24 of Audit Instructions issued up to 31st October 1922.)

.57. Cancelled.

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PART IV.**Chapter X.—Leave.****Section I.—Extent of Application.**

58. Unless in any case it be otherwise distinctly provided in section VI of this chapter, the rules in sections I to V of this chapter apply to all Government servants to whom the fundamental rules as a whole apply; provided that it shall be open to any person who is in Government service at the time when the fundamental rules come into force to exercise the option of remaining under the leave rules to which he has hitherto been subject. The intention of exercising this option must be specifically declared to the local Government or the Governor-General in Council, as the case may be, within six months of the date on which the fundamental rules come into force or, if the Government servant be on leave on that date, within six months of his return from leave. Every Government servant who does not make such a declaration will become subject to the rules in sections I to V of this chapter. The option once exercised is final.

Note.—A similar option may be exercised by the Government servants mentioned in rules 99 and 100.

59. Leave is earned under sections I to V of this chapter by a Government servant holding substantively a permanent post in civil employ, or holding a lien on such a post.

Audit Instructions.—A Government servant, who has been detached for other duty and whose lien on his substantive post has been suspended under Fundamental Rules 13 and 14, continues to earn leave under sections I to V. (Paragraph 5 of Audit Instructions Circular No. 3, dated the 19th March 1923.)

60. Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave salary is paid on account of such period.

61. A military commissioned officer appointed to a post in civil employ becomes subject to these rules under the following conditions :—

(a) (i) An officer subject, before such appointment, to the Indian Army Leave Rules, becomes subject to these

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rules from the date of first substantive appointment to a post in civil employ or from the date of completion of three years' continuous officiating duty in such service, whichever is earlier. In reckoning continuous duty—

- (1) any period of foreign service, to which transfer was made direct from a civil post, may be included, and
- (2) leave does not operate to break continuity unless the officer has to revert to military employ in order to obtain such leave.

Note.—This rule also applies to commissioned officers transferred from the Army Veterinary Department to Civil Veterinary Department.

- (ii) A continuous service officer of the Royal Engineers becomes subject to these rules from the date of his entry into permanent civil employ or from the date of his election for continuous Indian service, whichever is later.
- (iii) A non-continuous service officer of the Royal Engineers, if he elects for these rules, becomes subject to them from the date of his entry into permanent civil employ or from the date of completion of five years' Indian service, whichever is later.
- (b) Transfer from military service to a post in civil employ, the tenure of which is limited to a definite period, does not entitle an officer to leave under these rules unless it is a condition of such transfer that he will not return to military employment at the expiry of his tenure of the said or any subsequent post in civil employ.

Government of India's Rulings.—(1) Administrative Medical Officers will come under this rule from 1st January 1922. Note 7 to Article 35 (a), Civil Service Regulations, will not apply to their case from that date. The limitations of the leave to a total period of eight months at a time as was previously laid down in paragraph 226, Army Regulations, India, Volume II, should still remain in force. (Government of India, Education Department, No. 246, dated the 5th April 1922.)

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(2) In view of the introduction of a revised ruling published in Army Instructions, India, No. 307, dated the 1st May 1923, and embodied in paragraph 813, Army Regulations, India, Volume II (Revised Edition), under which in addition to privilege leave due, the grant of furlough or combined leave not exceeding eight months is limited to once only during the four years' tenure of a Military administrative appointment, the Government of India decided that in future Administrative Medical Officers in Civil employ shall only be permitted to take a total of twelve months' leave, if due under the Fundamental Rules, during the four years' tenure of an administrative appointment, subject to the limitation of the leave to a period of eight months, on any one occasion. Continuous absence from duty in excess of eight months will involve vacation of the appointment. (Government of India, Education Department, No. 694, dated the 15th September 1923, received with Finance Department, No. 1770-C.S.R., dated the 24th September 1923.)

• 62. Except as provided in rule 61, a military officer in civil employ remains subject to military leave rules.

63. When a military commissioned officer subject to these rules is temporarily transferred to military duty, but retains a lien on his post in civil employ, the period of his absence counts as duty for leave under these rules.

64. Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply from a service or post to which they do not apply is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer; but a Government servant reverting from duty as Judge of a High Court, or as one of the officers specified in rule 98 below, may count such duty for leave as though it were duty performed in a vacation department; all leave taken during the service concerned being treated as taken under these rules.

65. (a) If a Government servant, who quits the public service on compensation or invalid pension or gratuity, is re-employed, and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

(b) A Government servant who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave, unless the appellate or reviewing authority declares that he shall not so count it in whole or in part.

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Section II.—General Conditions.

66. A local Government may make rules specifying the authorities by whom leave, other than special disability leave under rule 83, may be granted.

S. R. 200. (a) Any leave, other than special disability leave, admissible under the Fundamental Rules may be granted to a non-gazetted Government servant by the authority whose duty it would be to fill up his post if it were vacant.

(b) The local Government may, with or without restrictions, delegate the power of granting leave other than special disability leave, to any other authority it thinks fit.

S. R. 201. No leave may be granted to a gazetted Government servant until a report as to the admissibility of the leave has been obtained from the audit officer.

S. R. 202. On the receipt of such a report, any leave, other than special disability leave, admissible under the Fundamental Rules, may be granted to a gazetted Government servant by a competent authority.

67. Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

S. R. 203. The local Government or any authority competent to grant leave may refuse to grant the full amount of leave applied for in any case, and should, by the exercise of this power, so regulate the date of a Government servant's return from leave as to cause as little change as possible in administrative arrangements.

The local Government will not grant leave of any description to an extent which would unduly deplete the strength of a service or department available for active duty. Consequently, when the duty strength has been reduced to a point which in the opinion of the local Government is for the time being an essential minimum, no further leave of any description will be given save in case of the most absolute necessity, such as sickness or most urgent private affairs, until the strength available for duty has increased. In applying this principle, the local Government may take into special consideration the case of Government servants, who applied for leave on average pay in India, for as they can be readily recalled, if necessary, they stand on a different footing to Government servants, who are out of convenient reach.

Note 1.—The local Government may lay down such conditions as it may consider administratively desirable to check any undue frequency of leave, in the case of Government servants, holding isolated appointments not filled by members of a regularly organised service.

Note 2.—When the cadre of a service includes provision for appointments under the Government of India or in another province, the local Government should take particular care that the needs of other Governments are properly complied with.

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S. R. 204. Applications for leave by Government servants likely to revert from higher pay should always be scrutinised with special jealousy, and the leave should be granted only when very cogent reasons are adduced. It is not the intention of Government, however, that leave in ordinary circumstances should be granted more sparingly, the general principle being that a Government servant need not be debarred from taking the leave which he has earned at such times and for such periods as may suit the exigencies of the public service.

205. Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation. A local Government may, however, make rules defining the circumstances in, and the conditions on, which Sundays or other recognised holidays may be prefixed to leave or affixed to leave or joining time.

S. R. 205. Rules defining the conditions on which vacations may be treated as recognised holidays for the purpose of Fundamental Rule 68, which will have effect from 1st January 1922:—

A. In the case of District and Sessions Judges, under the special leave rules, vacations will be treated as recognised holidays provided that—

- (1) no additional expense is incurred by the State for the period of the vacation;
- (2) the total period of absence on average pay (including the vacation but excluding other recognised holidays, whether taken alone or in conjunction with leave on half average pay) does not exceed eight months; and
- (3) the approval of Government is taken in each instance.

B. In the case of District and Sessions Judges, under the ordinary leave rules, vacations will be treated as recognised holidays provided that—

- (1) no additional expense is incurred by the State for the period of the vacation;
- (2) vacation may be added to leave on average pay not exceeding four months if taken by itself. Otherwise, the total period of vacation and leave on average pay should not together exceed four months, provided that if the leave is on medical certificate or is spent elsewhere than in India or Ceylon, the total period of absence on average pay including vacation may extend up to eight months; and
- (3) the approval of Government is taken in each instance.

Note.— Except in the case when leave on average pay not exceeding four months taken by itself is combined with vacation, the period of vacation should

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be treated (1) as part of the first four months of leave on average pay during which leave salary is not subject to the maxima laid down in Fundamental Rule 89 and also (2) as part of the maximum period of 28 months' continuous absence from duty under Fundamental Rule 81 (d).

dealing with the Combination of Holidays with Leave and Joining Time.

S. R. 206. When the day immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave or joining time expires is a holiday or one of a series of holidays, the Government servant may leave his station at the close of the day before, or return to it on the day following, such holiday or series of holidays: Provided that—

- (a) his transfer or assumption of charge does not involve the handing or taking over of securities or of monies other than a permanent advance;
- (b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties; and
- (c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence, or in the discharge from Government service of a person temporarily appointed to it.

S. R. 207. On condition that the departing Government servant remains responsible for the monies in his charge, a competent authority may declare that proviso (a) under rule 206 is not applicable to any particular case.

S. R. 208. Unless the competent authority in any case otherwise direct—

- (a) if holidays are prefixed to leave, the leave and any consequent rearrangement of pay and allowances take effect from the first day after the holidays, and
- (b) if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on, and any consequent rearrangement of pay and allowances takes effect from the day on which the leave or joining time would have ended if holidays had not been affixed.

89. A Government servant on leave may not take any service or accept any employment without obtaining the previous sanction of—

- (a) the Secretary of State, if the Government servant is residing in Europe, North Africa, America or the West Indies; and

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(b) the Governor-General in Council, or any lower authority empowered to appoint him, if he is residing elsewhere.

Note.—This rule does not apply to casual literary work, or to service as an examiner or similar employment; nor does it apply to acceptance of foreign service, which is governed by rule 110.

70. All orders recalling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or compulsory. If the return is optional, the Government servant is entitled to no concession. If it is compulsory, he is entitled—

(a) if the leave from which he is recalled is out of India—

- (i) to receive a free passage to India; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever period is shorter, to receive a refund of the cost of his passage from India;
- (ii) to count the time spent on the voyage to India as duty for purposes of calculating leave; and
- (iii) to receive leave-salary during the voyage to India, and for the period from the date of landing in India to the date of joining his post to be paid leave-salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave.

(b) if the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance for the journey, but to draw until he joins his post leave-salary only.

Government of India's Orders.—Orders recalling a Government servant from leave out of India should be communicated to him through the High Commissioner for India and they should state whether the return to duty is optional or compulsory. (Government of India, Finance Department, No. 331-C.S.R., dated the 29th February 1924.)

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71. No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in such form as the Governor-General in Council, in the case of a Government servant on leave in Asia, or the Secretary of State in Council, in the case of a Government servant on leave elsewhere, may by order prescribe. A local Government may require a similar certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

Secretary of State's Orders.—The Secretary of State in Council has ordered that a Government servant who has taken leave on medical certificate out of Asia, elsewhere than in Europe, North Africa, America or the West Indies, may not return to duty until he has produced a medical certificate of fitness from two medical practitioners in the following form:—

" We certify that we have carefully examined C. D. of the Department and find that he is in good health and fit to return to his duty in India.

Date

Place

If the certificate be signed by foreigners, it should be attested by consular or other authority as bearing the signature of qualified medical practitioners. (Government of India, Finance Department, Resolution No. 197-C.S.R., dated the 6th March 1922.)

Government of India's Orders.—The Governor-General in Council has ordered that a Government servant who has taken leave in Asia on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form:—

" I, A. B., do hereby certify that I have examined C. D. of the Department and that I consider him fit to resume his duties in Government service."

2. If the Government servant on leave is a gazetted officer, such certificate should be signed by a commissioned medical officer or a medical officer in charge of a civil station. If the Government servant on leave is not a gazetted officer, the authority under which the Government servant will be employed on return from leave may, in its discretion, accept a certificate signed by any registered medical practitioner. (Government of India, Finance Department, No. 1238-C.S.R., dated the 10th January 1922.) These rules are in force in Bengal.

Audit Instructions.—The term "Government servant" in line 1 of this rule, applies to a permanent Government servant only. (Paragraph 1, Audit Instructions Circular No. 10, dated the 15th November 1922.)

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S. R. 200. Any Government servant, who has been granted leave or extension of leave for reasons of health, even though such leave or extension was not actually granted on medical certificate, may, at the discretion of the authority under which the Government servant will be employed on return from leave, be required to produce a similar certificate of fitness before being permitted to return to duty.

72. Unless he is permitted to do so by the authority which granted his leave, a Government servant on leave may not return to duty more than fourteen days before the expiry of the period of leave granted to him.

S. R. 210. A Government servant returning to duty at a time other than that fixed for him by the authority which granted him leave, has no claim to resume as a matter of course, without further orders, the particular post which he vacated before his leave, and is liable to be kept on subsistence grant until a suitable vacancy occurs.

73. A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence, and that period will be debited against his leave account as though it were leave on half average pay, unless his leave is extended by the local Government. Wilful absence from duty after the expiry of leave may be treated as mis-behaviour for the purpose of rule 15.

S. R. 211. Short extensions of leave may be granted retrospectively in India to Government servants who under certain specified circumstances overstay their leave.

S. R. 212. In the case of leave in Europe, North Africa, America or the West Indies, the authority in India by which the leave was originally granted, in any case in which it is satisfied that the non-return of a Government servant within the period of his leave was due to circumstances beyond his control, and of such a nature that an application to the High Commissioner for an extension was impossible before embarkation, or that non-return was for administrative convenience, is empowered to sanction retrospectively extensions of leave up to a maximum period of fourteen days. It is also empowered, in the case of a Government servant returning from leave on medical certificate, to sanction an extension, if the circumstances seem to require it, up to a maximum of fourteen days, inclusive of any short extension that may have been granted by the High Commissioner.

74. (a) Subject to any instructions which may be given by the Governor-General in Council in connection with the control of the issue of money from treasuries or by the Auditor-General in India in order to secure efficiency and uniformity of audit, a local Government may make rules prescribing the procedure to be followed in India—

(i) in making application for leave and for permission to return from leave,

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- (ii) in granting leave,
- (iii) in the payment of leave-salary, and
- (iv) in the maintenance of records of service.

(b) The procedure to be followed elsewhere than in India will be prescribed by the Governor-General in Council.

Auditor-General's Instructions.—The instructions issued by the Auditor-General under Fundamental Rule 74 (a) are given in Appendix No. 18.

Government of India's Instructions.—The rules prescribed by the Governor-General in Council under Fundamental Rule 74 (b) regarding the procedure in connection with leave to be followed elsewhere than in India are given in Appendix No. 19. (Government of India, Finance Department, No. 2-C.S.R., dated the 14th January 1922.)

Rules prescribing the Leave Procedure.

S. R. 213. (1) The Auditor-General having prescribed under Fundamental Rule 74 the form for the maintenance of the leave accounts of all Government servants, the form is standardised as Fundamental Rule form No. 9, and it is directed that the leave account of each non-gazetted officer and menial, who has not elected to remain under the old rules, shall be kept in that form, which should be attached to his service book or service roll. Such leave accounts should be compiled before the officer concerned next goes on leave. The local inspecting staff under the Accountant-General, Bengal, will call for and check these accounts from time to time.

(2) In the case of Government servants under the ordinary leave rules two *pro forma* accounts of leave on full average pay will have to be kept, one—which includes leave on medical certificate or spent outside India or Ceylon, and the other which excludes such leave.

It is not necessary, however, that two *pro forma* accounts of leave on average pay should be opened on separate pages of the leave account. The column "leave taken on average pay" in the prescribed form can be used for leave on medical certificate or spent outside India or Ceylon, and the leave on average pay other than such leave being worked out in any spare space available either in the last column or elsewhere.

S. R. 214. (a) The leave account of a gazetted Government servant shall be maintained by, or under the direction of, the principle auditor responsible for the audit of his pay.

(b) The leave account of a non-gazetted Government servant shall be maintained by the head of the office in which he is employed.

S. R. 215. Every application for leave or for an extension of leave should be sent to the competent authority through the intermediate superior, if any, of the Government servant applying for leave. In the case of gazetted Government servants, the application should be sent through the principal auditor. The application of a

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Government servant in foreign employ should also be sent through the Audit Officer who accounts for the contribution recovered from the foreign employer.

S. R. 216. An application for leave by a Chaplain must be forwarded, through the proper channel, to the Bishop of the Diocese or to the Presidency Senior Chaplain of the Church of Scotland in Bengal, as the case may be, who will transmit it with his remarks to Government for orders in case it is not within his competence to sanction the leave. In cases of urgency, leave on medical certificate may be granted by Government in anticipation of the concurrence of the Bishop or Presidency Senior Chaplain, who should however be informed without delay.

S. R. 217. Transferred.—An application by a commissioned medical officer in permanent or temporary civil employ for leave exceeding four months, other than leave on medical certificate, or for an extension of such leave, must be submitted to the local administrative medical officer, by whom it will be forwarded to the Director-General, Indian Medical Service. The Director-General will countersign the application, if the state of the public service admits of the grant of the leave; otherwise, he will abstain from countersigning it. In either case, he will forward the application for disposal to the authority competent to grant the leave.

S. R. 218. A Government servant transferred to foreign service must, before taking up his duties in foreign service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

Medical Certificates.

S. R. 219. General rules.—Medical officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases, the opinion that the Government servant is permanently unfit for Government service should be recorded in the medical certificate.

S. R. 220. Every certificate of a medical committee or a medical officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

S. R. 221. Procedure in the case of _____ servants.—Before a gazetted Government servant can be granted leave, or an extension of leave, on medical certificate, he must obtain a certificate in the following form or as nearly in that form as the circumstances permit:—

"I, A. B., Surgeon at (or of) _____ do hereby certify that C. D. of the _____ Service (or Department), is in a bad state of health, and I solemnly and sincerely declare that, according to the best of my judgment, a change of air is essentially necessary to his

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recovery, and do therefore recommend that he may be permitted to proceed to "

This certificate should be accompanied by a statement of the Government servant's case in such form as the local Government may prescribe.

S. R. 222. Having secured such a certificate, the Government servant must, except in cases covered by rule 225, obtain the permission of the head of his office or, if he himself is the head of an office, of the head of his department to appear before a medical committee. He should then present himself with two copies of the statement of his case before such a committee. The committee will be assembled under the orders of the administrative medical officer of the province who will, where practicable, preside over it. The committee will be assembled either at the headquarters of the province or at such other place as the local Government may appoint.

S. R. 223. Before the required leave or extension of leave can be granted, the Government servant must obtain from the committee a certificate to the following effect:—

"We do hereby certify that, according to the best of our professional judgment, after careful personal examination of the case, we consider the health of C. D. to be such as to render leave of absence for a period of months absolutely necessary for his recovery."

S. R. 224. Before deciding whether to grant or refuse the certificate, the committee may, in a doubtful case, detain the applicant under professional observation for a period not exceeding fourteen days. In that case it should grant to him a certificate to the following effect:—

"C. D. having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain C. D. under professional observation for days."

S. R. 225. If the state of the applicant's health is certified by a commissioned medical officer of Government or by a medical officer in charge of a civil station to be such as to make it inconvenient for him to present himself at any place in which a committee can be assembled, the authority competent to grant the leave may accept, in lieu of the certificate prescribed in rule 223, either—

(a) a certificate signed by any two medical officers, being commissioned medical officers or medical officers in charge of civil stations, in whatsoever province they may be serving; or

(b) if the authority considers it unnecessary to require the production of two medical opinions, a certificate signed by an officer in medical charge of a civil station and countersigned by the Collector of the district or the Commissioner of the division.

S. R. 226. The grant of a certificate under rule 223 or 225 does not in itself confer upon the Government servant concerned any right to leave. The certificate should be forwarded to the authority

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competent to grant the leave and the orders of that authority should be awaited.

S. R. 227. Procedure in the case of non-gazetted Government servants in superior service.—An application by a non-gazetted Government servant in superior service for leave, or for an extension of leave, on medical certificate, must be accompanied by a certificate from the applicant's medical attendant. Such certificate should distinctly state the nature of the illness, its symptoms, probable causes and duration, and the period of absence from duty considered to be absolutely necessary for the restoration of the applicant's health. It should be countersigned by a Presidency Surgeon, if the applicant is in a Presidency town; otherwise, by the officer in chief medical charge of the district in which the applicant resides. The authority competent to grant the leave may, however, in its discretion accept a certificate from the applicant's medical attendant without such countersignature; or, if the applicant be a female, may either dispense with countersignature or accept the countersignature of any female medical practitioner.

NOTE.—Medical certificates granted to non-gazetted Government servants by registered medical practitioners, whose names are borne on the Annual Medical List, published under section 32 of the Bengal Medical Act, 1914, shall be accepted without countersignature of a Civil or Presidency Surgeon. If, however, the authority has reasons to doubt the genuineness or veracity of any such certificate, he may direct the Government servants applying for leave to appear before the Civil Surgeon or the Presidency Surgeon, as the case may be, for examination, and may deal with the case on the report of the latter.

S. R. 228. No certificate should be submitted for countersignature without the cognizance of the head of the office in which the applicant is serving.

S. R. 229. Procedure in the case of non-gazetted Government servants in inferior service.—The countersigning officer may, in his discretion, require the applicant to appear before him, unless it appears from the certificate of his medical attendant that he is too ill to bear the journey. In the latter case, the officer may, after careful investigation of the case, either countersign the certificate or refuse to do so, as he thinks fit.

S. R. 230. In support of an application for leave, or for an extension of leave on medical certificate from a non-gazetted Government servant in inferior service, the authority competent to grant the leave may accept such certificate as it may deem sufficient.

Grant of Leave.

S. R. 231. In cases where all applications for leave cannot, in the interests of the public service, be granted, an authority competent to grant leave should, in deciding which application should be granted, take into account the following considerations:—

- (a) The Government servants who can, for the time being, best be spared.
- (b) The amount of leave due to the various applicants.

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- (c) The amount and character of the service rendered by each applicant since he last returned from leave.
- (d) The fact that any such applicant was compulsorily recalled from his last leave.
- (e) The fact that any such applicant has been refused leave in the public interests.

Note.—Reserved.—Grant of leave on private affairs to the men of the Military Police is subject to the condition that the number absent on leave on half average salary, whether on medical certificate or not, does not exceed 5 per cent. of the Battalion from 15th October to 15th April, and 10 per cent. from 16th April to 14th October.

S. R. 232. When a medical committee in India has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such Government servant. It may be granted, if due, by a competent authority on the following conditions:—

- (a) If the medical committee is unable to say with certainty that the Government servant will never be fit for service in India again, leave not exceeding twelve months in all may be granted. Such leave should not be extended without a further reference to a medical committee.
- (b) If the medical committee declares the Government servant to be completely and permanently incapacitated for further service in India, the Government servant should, except as provided in clause (c) below, be invalidated from the service either on the expiration of the leave already granted to him, if he is on leave when examined by the committee, or, if he is not on leave, from the date of the committee's report.
- (c) A Government servant declared by a committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account, if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servant's breakdown in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.

S. R. 233. Leave should not be granted to a Government servant who ought at once to be dismissed or removed from Government service for misconduct or general incapacity.

S. R. 234. If, in a case not covered by rule 233, an authority competent to remove a Government servant from service decides, before such Government servant departs from India on leave, that he will not be permitted to return to duty in India, it must inform him to that effect before he leaves India.

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S. R. 235. If, when a Government servant is about to depart from India on leave, it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that it is impossible to decide, before he leaves India, whether it will be permanent or temporary; or if for any reason it is considered inexpedient that a Government servant on leave should return to India, a full report of the circumstances must be made by the local Government to the India Office in time to enable the Secretary of State in Council to take any necessary measures before the Government servant would in the ordinary course be permitted to return to duty. The report should, in any case, reach the India Office at latest three months before the end of the Government servant's leave.

S. R. 236. The abolition of the substantive post of a Government servant absent on leave out of India should be immediately communicated to the High Commissioner.

S. R. 237. When leave on medical certificate has been granted to a Government servant or, in the case of a military officer in civil employ, when the grant of such leave has appeared in orders, if such Government servant or military officer proposes to spend his leave in Europe, North Africa, America or the West Indies, the local Government must without delay forward a copy of the medical statement of the case to the High Commissioner for India.

S. R. 237A. When a Government servant who has been granted leave for reasons of health to any of the localities named in S. R. 237, the authority which granted the leave shall inform the High Commissioner for India whether a certificate of fitness is required under the second sentence of Fundamental Rule 71.

S. R. 238. Leave not due shall not be granted on medical certificate under clause (a) (ii) (2) of Fundamental Rule 104 for a period extending beyond the term of a Government servant's contract, unless or until it has been decided to retain him in permanent employment.

Departure on Leave.

S. R. 239. Every Government servant proceeding on leave out of India should procure from the audit officer and take with him a copy of the memorandum of information issued for the guidance of Government servants proceeding on leave out of India. If the leave has been granted on a medical certificate, he must take a copy of the medical statement of his case also.

S. R. 240. A Government servant taking leave out of India must report his embarkation, through the Audit Officer, to the authority which granted his leave in such form as the Auditor-General may prescribe.

Return from Leave.

S. R. 241. A gazetted Government servant, on return from leave, must report his return to the Government under which he is serving. A Chaplain must report his return to the Bishop of his diocese also.

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S. R. 242. (a) On return from leave exceeding two months, a gazetted Government servant must obtain orders as to his posting. On return from leave not exceeding two months, a gazetted Government servant may resume the post which he held before going on leave unless he receives orders to the contrary.

(b) A Government servant, who has been on leave in Europe, must on return to India deliver to the Audit Officer the last pay certificate obtained by him from the High Commissioner, before he can obtain payment of any arrears of leave salary or pay due to him. A Government servant who has drawn his leave salary on a warrant must deliver his copy of the warrant which will serve as a last pay certificate.

Commencement of Leave.

S. R. 243. Unless specially otherwise ordered, leave must begin within 95 days of the date on which it is granted.

Rules prescribing the procedure to be followed in the maintenance of records of service of Government servants under clause (a) (iv), Fundamental Rule 74.

Gazetted Government Servants.

S. R. 244. A record of the services of a gazetted Government servant will be kept by the Principal Auditor of the province who audits his pay and in such form as the Auditor-General may prescribe.

S. R. 245. A service book in such form as the Auditor-General may prescribe must be maintained for every non-gazetted Government servant holding a substantive post on a permanent establishment with the following exceptions:—

- (a) *Transferred*.—Sub-Registrars whose service registers are maintained by the Inspector-General of Registration.
- (b) *Reserved*.—Police servants of rank not higher than Assistant Sub-Inspectors.
- (c) Inferior servants of all sorts.

S. R. 246. In all cases in which a service book is necessary under rule 245, such a book must be supplied for a Government servant, at his own cost, on his first appointment to Government service. It must be kept in the custody of the head of the office in which he is serving and transferred with him from office to office.

S. R. 247. Every step in a Government servant's official life must be recorded in his service book, and each entry must be attested by the head of his office or, if he himself is the head of an office, by his immediate superior. The head of the office must see that all

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entries are duly made and attested, and that the book contains no erasure or overwriting, all corrections being neatly made and properly attested.

S. R. 248. Every period of suspension from employment and every other interruption of service must be noted, with full details of its duration, in an entry made across the page of the service book and must be attested by the attesting officer. It is the duty of the attesting officer to see that such entries are promptly made.

S. R. 249. Personal certificates of character must not, unless the head of the department so directs, be entered in a service book, but if a Government servant is reduced to a lower substantive post, the reason of the reduction must be briefly shown.

S. R. 250. It is the duty of every Government servant to see that his service book is properly maintained as prescribed in rule 247, in order that there may be no difficulty in verifying his service for pension. The head of the office should, therefore, permit a Government servant to examine his service book should he at any time desire to do so.

S. R. 251. When a non-gazetted Government servant is transferred, whether permanently or temporarily, from one office to another, the necessary entry of the nature of the transfer should be made in his service book, which, after being duly verified to date and attested by the head of that office, should be transmitted to the head of the office to which the Government servant has been transferred who will thenceforward have the book maintained in his office.

S. R. 252. When a non-gazetted Government servant is officiating in a gazetted post, his service book should be kept by the head of the office to which he permanently belongs, but when he takes leave while so officiating, his service book should be forwarded to the Audit Officer for reporting admissibility of the leave. When he is confirmed, the service book should be permanently sent to the audit office.

S. R. 253. If a Government servant is transferred to foreign service, the head of his office or department must send his service book to such Audit Officer as the Auditor-General may prescribe. The Audit Officer will return it after noting in it, over his signature, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider to be necessary. On the Government servant's retransfer to Government service, his service book must again be sent to the Audit Officer, who will then note in it, over his signature, all necessary particulars connected with the foreign service. No entry relating to the time spent in foreign service may be attested by any authority other than the Audit Officer.

S. R. 254. A service roll, in which the following particulars should be recorded, must be maintained for every other class of non-gazetted Government servants holding substantive appointments on a permanent establishment for whom no service book is necessary:—

(a) The date of his appointment.

(b) His caste, tribe, village, age, height and marks of identification when appointed.

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- (c) The posts which he from time to time holds; his promotions, and his reductions or other punishments.
- (d) His absences from duty, with or without leave.
- (e) Interruptions in his service.
- (f) Every other incident in his service which may involve forfeiture of a portion of it or may affect the amount of his pension.

Every entry in the roll must be signed by the head of the office.

S. R. 255. Service rolls (Reserved).—In the case of policemen of rank not higher than that of Assistant Sub-Inspectors, there must be maintained for each district by the Superintendent of Police a service roll in English, in which the following particulars should be recorded, for each man holding substantively a permanent post in the constabulary:—

- (a) The date of his enrolment.
- (b) His caste, tribe, village, age, height and marks of identification when enrolled.
- (c) The rank which he from time to time holds; his promotions, and his reductions or other punishments.
- (d) His absences from duty, with or without leave.
- (e) Interruptions in his service.
- (f) Every other incident in his service which may involve forfeiture of a portion of it or may affect the amount of his pension.

From this roll the necessary statement of service of every applicant for pension shall be prepared, additional proofs being collected, in respect of any service rendered before enrolment in the constabulary which the applicant may be entitled to count.

The roll must be checked by the vernacular roll and order book and the punishment register and every entry in it must be signed by the Superintendent of Police.

S. R. 256. A service roll as described in rule 254 must be maintained for every other class of non-gazetted Government servants holding substantive appointments on a permanent establishment for whom no service book is necessary.

S. R. 257. (a) The service book may be given up to the Government servant if he resigns or is discharged from the service without fault, an entry to this effect being first made in the service book or, in the event of a Government servant's service terminating by his death, to his relatives on application. Should no application be made within six months of the death of the Government servant, the service book may be destroyed.

(b) When a Government servant's service is terminated by dismissal, his service book should be retained for a period of five years or until the Government servant's decease, whichever is earlier, after which it will be destroyed.

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(c) The service book of a Government servant who has been dismissed and who is afterwards reinstated should, on requisition, be returned to the head of the office in which he is re-employed.

Section III.—Special and Ordinary Leave Rules.

75. (1) All Government servants who are not hereinafter declared to be subject to the special leave rules shall be subject to the ordinary leave rules.

(2) The following Government servants shall be subject to the special leave rules, namely :—

(a) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia :

Provided that no such Government servant shall be entitled to the benefits of the special leave rules who, prior to such appointment, has, for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege, claimed and been deemed to be of Indian domicile.

Audit Instructions.—The expression "at the time of his appointment" occurring in Fundamental Rule 75 (2) (a) means the date of an officer's appointment to a service or post to which the provisions of the Fundamental Rules apply.

(b) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, had been admitted to the benefits of the European Services Leave Rules under the Civil Service Regulations, or who, between the 1st January 1922 and the 24th July 1923, held a post which would have entitled him to such admission had he been subject to the Civil Service Regulations; and

(c) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, held substantively an appointment in a department in which the attainment of a certain rank or a certain rate of pay entitled the

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officer to admission to the benefits of the European Services Leave Rules under the Civil Service Regulations :

Provided that such a Government servant shall only be entitled to the benefits of the special leave rules when he attains that rank or rate of pay :

Provided further that the concession allowed by clause (c) of this rule is not admissible to a Government servant who attains such rank or rate of pay by reason of being promoted by selection from a subordinate service or post after the 24th July 1923.

Audit Instructions.—(1) A Government servant who becomes eligible to the special leave rules while he is on leave under the ordinary leave rules may, from the date he becomes so eligible, change the balance of his leave to leave under the special leave rules. (Paragraph 1 of Audit Instruction Circular No. 12, dated the 15th February 1924.)

(2) The expression "selection from a subordinate service or post" appearing in the second proviso to this rule, should be interpreted as excluding only such Government servants as are not ordinarily eligible for promotion to the qualifying posts unless specially selected, and not those who have an admitted right to promotion to a qualifying post in the ordinary course. (Paragraph 2 of Audit Instruction Circular No. 30, dated the 9th September 1926.)

75A. For the purpose of rule (2) of rule 75 the domicile of a person shall be determined in accordance with the provisions set out in the Schedule to these rules :

Provided that a person who was born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months shall be deemed to have his domicile in Asia, unless in the case of a person to whom the proviso in sub-rule 2 (a) of rule 75 does not apply it is proved to the satisfaction of the appointing authority that he did not have his domicile in Asia on that date.

75B. No Government servant who, after his appointment to a service or post acquired a new domicile, shall thereby lose his right to, or become entitled to admission to, the benefits of the special leave rules.

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76C. If any question arises as to the domicile of any Government servant at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by him, of the Governor-General in Council in the case of persons appointed by him, or of the local Government in the case of persons appointed by them, shall be final.

Section IV.—Grant of Leave.

76. A leave account shall be maintained for each Government servant in terms of leave on average pay.

Secretary of State's Orders.—A separate account should be kept of the leave earned by a Government servant serving under a Government and then transferred to another Government and all leave taken after the date of transfer should be debited to this account so long as the balance under it is not exhausted, and the allowances drawn during all leave, which is so debited, should be charged to that Government. (Secretary of State's telegram No. 69-C.S.R., dated the 12th January 1921, received with Government of India, Finance Department, No. 970-C.S.R., dated the 22nd September 1921.)

Audit Instructions.—Fractions of a day should not appear in the leave account, fractions below $\frac{1}{2}$ should be ignored, and those of $\frac{1}{2}$ or more should be reckoned as one day. (Paragraph 30 of Audit Instructions issued up to 31st October 1922.)

77. (a) In the leave account of a Government servant who on his entry into Government service becomes subject to these rules shall be credited :—

- (i) if he be under the special leave rules, five-twenty-seconds of the period spent on duty; and
- (ii) if he be under the ordinary leave rules, two-elevenths of the period spent on duty.

(b) In the leave account of a Government servant other than a military commissioned officer who is already in Government service when he becomes subject to these rules shall be credited :—

- (i) if he be under the special leave rules—

- (1) the privilege leave which it would, on the date on which he becomes subject to these rules, be permissible to grant to him under the rules in force prior to that date; plus

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- (2) one-twelfth of the period prior to that date spent on duty or on privilege leave while subject to the Indian Service Leave Rules of the Civil Service Regulations; *plus*
- (3) one-eighth of the period prior to that spent on duty or on privilege leave while subject to the European Service Leave Rules; *plus*
- (4) five-twenty-seconds of the period spent on duty subsequent to that date;

(ii) if he be under the ordinary leave rules—

- (1) the privilege leave which it would, on the date on which he becomes subject to these rules, be permissible to grant to him under the rules in force prior to that date; *plus*
- (2) one-twelfth of the period spent on duty or on privilege leave prior to that date; *plus*
- (3) two-elevenths of the period spent on duty subsequent to that date.

(c) In the leave account of a military commissioned officer who becomes subject to these rules shall be credited—

- (1) (i) the privilege leave which, on the date on which he becomes subject to these rules, it would be permissible to grant to him under the rules applicable to him prior to that date; or
 (ii) the leave on average pay which, on the date on which he becomes subject to these rules, it would be permissible to grant him under rule 100; *plus*
- (2) one-eighth of the period prior to that date spent on duty or on privilege leave during the following periods of services:—
 (i) service under the European Service Leave Rules of the Civil Service Regulations;
 (ii) service in and out of India under the Indian Army Leave Rules; and
 (iii) service in India under the British Army Leave Rules, *plus*

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(3) five-twenty-seconds or two-elevenths of the period spent on duty subsequent to that date according as he is subject to the special leave rules or the ordinary leave rules.

Note.—A commissioned officer transferred from the Army Veterinary Department to the Civil Veterinary Department shall be considered, for the purposes of this rule, to have been subject to the Indian Army Leave Rules from the date of his arrival in India on his last tour of service.

(d) Any other Government servant transferred permanently from military to civil employ is entitled to a credit to his leave account based on such portion of his military duty as, under the rules for the time being in force, is permitted to count for pension.

Audit Instructions.—In calculating the amount of leave that should be credited to the leave account of a Government servant, other than a military commissioned officer, on his permanent transfer from military to civil employ, Fundamental Rule 77 (d) should be read with the provisions of the preceding clauses of that rule, so that such portion of the Government servant's military duty as, under the rules for the time being in force count for pension should be reckoned as duty for the calculation of the amount of leave to be credited under clause (b) of the rule.

In the same connection, a further point for consideration is whether in cases where a portion of the military service which is allowed to count for civil leave under clause (d), was rendered prior to the 24th July 1923, the date on which "domicile" was adopted as the sole criterion for eligibility for admission to the benefits of the special leave rules, the proportion for the calculation of the credit in respect of that portion of the military service should be one-eighth or one-twelfth. This point will be decided by the Governor-General in Council in each case as it arises on its merits.

(e) A statutory civil servant or a Government servant who is subject, at the time when these rules come into force, to the Indian Service Leave Rules which were in force in January 1920, is entitled to credit to his leave account, in addition to the periods admissible under clause (b) above, one-third of any period of leave on medical certificate taken under the former rules.

Audit Instructions.—(1) Five-twenty-seconds of the period spent on duty should be calculated thus: The amount of duty as expressed in terms of years, months and days should be multiplied by 5, and the product divided by 22. In this process of multiplication and division a month should be reckoned as equal to 30 days.

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Two-elevenths of the period spent on duty should also be calculated similarly. (Paragraph 31 of Audit Instructions issued up to 31st October 1922.)

(2) The expression "period spent on duty" in clauses (b) (i) (2) and (b) (ii) (2) of this rule includes also periods of subsidiary leave taken under the rules in force prior to 29th July 1920. (Paragraph 2, Audit Instruction Circular No. 4, dated the 28th May 1923.)

(3) In calculating the leave admissible to Government servants subject to the ordinary leave rules for a part of their service, and to the special leave rules for the remainder of their service, the periods spent on duty, under each of these rules, should be taken separately and the calculation of the leave admissible in respect of each of these periods should be made separately. According to this interpretation of the rule, the amount of leave that will be credited to the leave account of a Government servant, who was originally under the Indian Service Leave Rules and then came under the European Service Leave Rules, will, under Fundamental Rule 77 (b) be: (1) the privilege leave which it would, on the date on which he becomes subject to the Fundamental Rules, be permissible to grant to him under the rules in force prior to that date, *plus* (2) one-twelfth of the period spent on duty or on privilege leave during the period he was under the Indian Service Leave Rules, *plus* (3) one-eighth of the period spent on duty or on privilege leave during the period he was subject to the European Service Leave Rules prior to the date of his coming under the Fundamental Rules, *plus* (4) five-twenty-seconds of the period spent on duty subsequent to the date of his coming under the Fundamental Rules. The concession in Fundamental Rule 77 (e) should also be allowed, subject to the proviso that the total leave so credited under Fundamental Rule 77 (b) (ii) should not exceed what would have been admissible had the Government servant been under the European Service Leave Rules from the beginning of his service. (Paragraph 2, Audit Instruction Circular No. 5, dated the 26th June 1923.)

Government of India's Decisions.—(1) The Government of India have decided that special war leave which was at the credit of Military officers, who are appointed substantively to the Civil Department under Army Instructions, India, No. 106 of 1920, may be credited to their leave account on condition that it is taken before 31st December 1922. Officers who have taken leave after 1st January 1921 may substitute for portion of it any special war leave which may become admissible to them as the result of these orders. (Government of India, Finance Department, No. 1174-C.S.R., dated the 16th October 1922.)

(2) The Government of India have decided that it was not the intention that the privilege leave admissible in cases of urgent necessity under Article 271, Civil Service Regulations, should be carried into the leave account under the Fundamental Rules. Such privilege leave is not leave due, though it may be granted under certain circumstances. When urgent necessity arises, Fundamental Rule 82 (c) permits an increase of the leave on the credit side by one month for every two years of duty. In this manner the period of duty rendered before 1st January 1922, which would have counted for

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leave under Article 271, Civil Service Regulations, will likewise be reckoned as duty, for the calculation of leave permissible in cases of urgent necessity after 1st January 1922. Thus, existing rights are safeguarded. (Government of India, Finance Department, No. 448-C.S.R., dated the 20th March 1923.)

S. R. 268. The local Government have decided that temporary and officiating service rendered under another Government, whether Central or Provincial, will, if followed by confirmation of the officers under the Bengal Government, be taken into account for the purpose of the leave account maintained under the Fundamental Rules, provided that, under the rules laid down by the other Government, such service would have counted had the Government servant in question continued in the service of that Government without a break till confirmation.

78. The amount of leave debited against a Government servant's leave account is—

- (a) the actual period of leave on average pay including any furlough on average salary taken under rules previously in force but excluding special disability leave on average pay under rule 83 (7), and
- (b) half the period of leave on half average pay (other than special disability leave) or on quarter average pay or on leave salary equal to subsistence grant under the note to rule 88, or of special disability leave on average pay under rule 83 (7) (b).

Note 1.—No privilege leave taken under the former Civil Leave Rules, or by a military officer under the British or Indian Army Leave Rules before coming under civil rules, is to be debited under (a) above.

Note 2.—(i) Under (b) above are to be debited—

- (a) Furlough, leave on medical certificate and special leave with allowances taken under either the European Service Leave Rules or the Indian Service Leave Rules as they stood before these rules came into force.
- (b) In the case of a military commissioned officer who becomes subject to these rules, leave in and out of India on less than full pay actually taken during the following periods of service:—
 - (1) service in and out of India under the Indian Army Leave Rules; and
 - (2) service in India under the British Army Leave Rules;

Provided that the debit on this account shall not exceed the credit given in respect of such service under Rule 77 (c).

(ii) In the case of a member of the Indian Civil Service or a military commissioned officer subject to these rules, other than such an officer who became subject to these rules after 1928 and is subject to the ordinary leave rules, or a Chaplain on the Indian Ecclesiastical Establishment, special leave with allowances taken under rules previously in force, and leave not due taken under these rules, up to a combined maximum of three months reckoned in terms of leave on average pay, shall not be so debited.

Note 3.—In cases covered by rule 77 (d), the leave taken during the period of duty on which the credit to the leave account is based is to be debited as prescribed in Notes 1 and 2 above.

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Government of India's Ruling.—Leave "not due" taken under Note 2 (ii), whether on medical certificate or not, should not up to a maximum of three months expressed in terms of leave on average pay be debited to the leave account of a member of the Indian Civil Service or a military commissioned officer subject to the Fundamental Rules. (Government of India, Finance Department, No. 622-C.S.R., dated the 20th April 1923.)

79. When a Government servant, who has previously been subject to the ordinary leave rules, is admitted to the benefits of the special leave rules, no change shall be made in the amount of leave previously credited and debited to his account, but he shall be entitled to the maximum amount of leave prescribed in rule 81 (a) (i).

80. The amount of leave due to a Government servant is the balance of leave at his credit in the leave account.

81. Leave may be granted to a Government servant at the discretion of the authority entitled to grant the leave, subject to the following restrictions:—

(a) The maximum amount of leave which may be granted, expressed in terms of leave on average pay, is the privilege leave which it would be permissible to grant to the Government servant in question, on the date on which he becomes subject to these rules, under the rules applicable to him prior to that date; *plus*

one-eleventh of the period spent on duty subsequent to that date: *plus*—

(i) in the case of Government servants under the special leave rules, three years; or

(ii) in the case of Government servants under the ordinary leave rules, two and a half years:

Provided that special disability leave on half average pay or on average pay under rule 83 (7) (a) shall not be taken into account in calculating the maximum prescribed by this clause, and, in the case of such leave taken on average pay under rule 83 (7) (b), 83 (7) (b), account shall be taken of only half the period thereof.

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(b) The maximum amount of leave on average pay, including any furlough on average salary taken under rules previously in force but excluding special disability leave on average pay under rule 83 (7) (a) which may be granted is—

(i) To a Government servant under the special leave rules, eight months at any one time, and, in all,—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules applicable to him prior to that date: *plus*

one-eleventh of the period spent on duty subsequent to that date: *plus* one year.

(ii) To a Government servant under the ordinary leave rules, four months, or to such Government servant attached to the Kashgar Consulate-General, six months, at any one time, and, in all,—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules in force prior to that date: *plus*

one-eleventh of the period spent on duty subsequent to that date:

provided that, in the case of a Government servant subject to the ordinary leave rules, who either takes leave on medical certificate or spends his leave elsewhere than in India or Ceylon, the maxima prescribed in sub-clause (i) of this clause shall apply.

Audit Instructions.—If under the operation of the proviso to Fundamental Rule 81 (b) (ii) the maximum amount of leave on average pay admissible at a time is increased, further leave on average pay may not be granted in continuation, unless such leave is taken on medical certificate or is spent elsewhere than in India or Ceylon—but

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such leave on average pay which may be taken on medical certificate or outside India and Ceylon up to a maximum of 12 months in a Government servant's whole service, if due, does not consume the leave on average pay which may be taken without medical certificate. (Audit Instruction Circular No. 26, dated the 28th May 1925.)

Note.—In the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clauses (i) and (ii) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

- (c) Leave not due may be granted subject to the following conditions:—
 - (i) on medical certificate, without limit of amount; and
 - (ii) otherwise than on medical certificate, for not more than three months at any one time and six months in all, reckoned in terms of leave on average pay.
- (d) The maximum period of continuous absence from duty on leave granted otherwise than on medical certificate is twenty-eight months.
- (e) When a Government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

Government of India's Ruling.—In the case of a Government servant who is granted leave not due under sub-clause (ii) of clause (c) of this rule and then applies for permission to retire, the period of leave not due should be cancelled and the retirement should take effect from the date of termination of the leave at credit in the Government servant's leave account. If, however, a Government servant is granted leave under sub-clause (i) of clause (c) of this rule, and it is subsequently found that he is unfit to return to duty, he should be regarded as having retired at the expiration of the period of leave granted under the recommendation of the Medical Board. (Government of India, Finance Department, No. F.-42-C.S.R., dated the 23rd August 1924.)

Audit Instructions and Orders.—(1) Under the proviso to sub-clause (b) (ii), if a Government servant on leave under the ordinary leave rules produces a medical certificate or proceeds out of India or Ceylon during his leave, the period of leave on average pay that may be granted in excess of the period up to four months ordinarily admissible should be limited to the period actually covered by the medical

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certificate, or spent elsewhere than in India or Ceylon, subject to the total maximum limit of 8 months on average pay admissible at one time.

If leave on average pay is applied for after a Government servant has had leave on half average pay in continuation of a period of leave on average pay either by the production of a medical certificate or by a Government servant proceeding out of India or Ceylon, the period of leave on average pay that may then be granted should be similarly limited to the period actually covered by the medical certificate or spent elsewhere than in India or Ceylon. The grant of the leave should also be so regulated that the total period of leave on average pay during that spell of leave does not exceed eight months. In such cases the total period of leave on average pay shall be treated as one continuous spell of leave on average pay in order to determine whether the first four months of the leave should be treated as privilege leave for purposes of pension. [Audit Instruction Circular No. 24 (4), dated the 30th March 1925.]

(2) A Government servant under the ordinary leave rules can have leave on full average pay without medical certificate or without proceeding outside India or Ceylon only to the extent of privilege leave at his credit on 1st January 1924 *plus* one-eleventh of the period spent on duty subsequent to that date in all and up to a maximum of four months at one time (but see the note under Fundamental Rule 81). If, however, he produces a medical certificate or spends his leave outside India or Ceylon, leave on full average pay may be granted to him up to the maximum prescribed in sub-clause (1) of clause (b) of Fundamental Rule 81, provided that he has sufficient leave at his credit in his leave account. (Auditor-General's No. 1136-A-398-23, dated the 16th November 1923.)

(3) A Government servant subject to the ordinary leave rules--

(a) may be granted leave on average pay at one time on medical certificate or on the condition that the leave spent elsewhere than in India or Ceylon, up to the amount due but not exceeding eight months;

(b) may be granted leave on average pay *in all* equal to the privilege leave which it would, on the date on which he comes under the Fundamental Rules, be permissible to grant to him, under the rules applicable to him prior to that date *plus* one-eleventh of the period spent on duty subsequent to that date, *plus* any period of leave on average pay taken on medical certificate or spent elsewhere than in India or Ceylon, subject to a maximum of one year. (Auditor-General's No. 372-A-69-23, dated the 10th March 1923.)

(4) When the privilege permitted by Fundamental Rule 82 (c) is exercised, the additional leave permissible under that clause becomes a "leave due," and thus acquires a character different from the leave not due which may be granted under Fundamental Rule 81 (c). Leave under this rule and under Fundamental Rule 82 (c) may be granted in conjunction. (Auditor-General's letter No. 648-A-172-23, dated the 18th May 1923.)

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(5) The limit of 28 months of continuous absence prescribed in Fundamental Rule 81 (d) should be held to be inclusive of any period of vacation with which the leave is combined. (Auditor-General's No. T/223-A-217-23, dated the 7th June 1923. Paragraph 1 of Audit Instruction Circular No. 6, dated the 6th July 1923.)

(6) Whether an application for leave not due under Fundamental Rule 81 (c) is or is not supported by a medical certificate, an authority is not bound to grant such leave if he is not satisfied that there is a prospect that the applicant will return to duty and earn leave equivalent to the amount of "leave not due" for which he asks. This condition does not, however, apply in the case of a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules who takes leave not due up to the maximum limit prescribed in Note 2 (ii) under Fundamental Rule 78. [Audit Instruction Circular No. 31 (III), dated the 9th September 1926.]

(7) The expression "continuous absence from duty on leave" occurring in rule 81 (d) does not include absence on extraordinary leaves. (Paragraph 5 of Audit Instruction Circular No. 16, dated the 16th June 1924.)

82. The following provisions apply to vacation departments only :—

(a) A local Government may make rules specifying the departments or parts of departments, which should be treated as vacation departments, and the conditions in which a Government servant should be considered to have availed himself of a vacation.

Rules regarding Vacation Department.

S. R. 259. (a) A vacation department is a department or part of a department to which regular vacations are allowed during which Government servants serving in the department are permitted to be absent from duty.

(b) The following classes of Government servants serve in vacation departments when the conditions of (a) are fulfilled :—

(i) Judicial officers, including the officers of the High Court.

NOTE.—Reserve.—District and Sessions Judges are not treated as belonging to a vacation department.

(ii) **Transferred.**—Educational officers other than inspecting officers and their establishments.

(iii) Officers of industrial schools.

(iv) All Professors of the School of Tropical Medicine, Calcutta; Biological and Physiological Professors and Professors of Anatomy and Physics of the Calcutta Medical College. Also Assistant Professors and Demonstrators, Biological Department, Medical College, Calcutta; Assistant Professors and the Chemist, School of Tropical Medicine and Hygiene,

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Calcutta; Teachers of Anatomy and Physiology, the Demonstrator of Pathology and Bacteriology, three Demonstrators of Anatomy, two Demonstrators of Physiology and the Demonstrator of Materia Medica, Medical School, Dacca; the Teacher of Anatomy and Hygiene, two Demonstrators of Anatomy, the Demonstrator of Physics and Chemistry and the Demonstrator of Materia Medica, Ronaldshay Medical School, Burdwan; and the Teacher of Anatomy, the Teacher of Physiology and Pathology and the Demonstrators of Anatomy, Physiology and Pathology, Lytton Medical School, Mymensingh.

(r) Officers of the Bengal Veterinary College.

(ri) Any other class of Government servants which the local Government may declare so serving.

(c) In case of doubt, the local Government may decide whether or not a particular Government servant is serving in a vacation department.

S. R. 200. A Government servant serving in a vacation department shall be considered to have availed himself of a vacation or a portion of a vacation, unless he has been required, by general or special order of a higher authority, to perform duty of any kind during such vacation or portion thereof; provided that, if he has been prevented by such an order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

(b) Vacation counts as duty, but the periods of total leave in rules 77, 81 (a) and 81 (b) should ordinarily be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

Audit Instructions.—(1) The reduction by one month for each year of duty in which the Government servant has availed himself of the vacation, as required to be made under this rule, is intended to be made in respect of leave earned and vacation taken from 1st January 1922.

Thus, in the case of Government servants of vacation departments, the leave credited to their leave account under Fundamental Rule 77 will be—

(1) privilege leave at the credit on 1st January 1922, i.e., privilege leave earned under Article 272 or 275, Civil Service Regulations, plus

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(2) one-eighth (or one-twelfth) of the period spent on duty or vacation (or privilege leave) up to 31st December 1921,
plus

(3) five-twenty-seconds (or two-elevenths) of the periods spent on duty or vacation from 1st January 1922.

From this a reduction will be made of one month for each year of duty in which the Government servant avails himself of the vacation after 1st January 1922. Similarly, the total leave admissible under Fundamental Rules 81 (a) and 81 (b) will be reduced by one month for each year of duty in which the vacation is taken after 1st January 1922. (Paragraph 34 of Audit Instructions issued up to 31st October 1922.)

(2) The term "each year of duty" should be interpreted to mean, not a calendar year in which duty is performed, but twelve months of actual duty. If the Government servant has enjoyed such vacation as falls within a period of twelve months beginning on the day on which he begins his duty on return from leave or otherwise, then one month should be deducted from his leave account. It does not matter whether the day on which this year ends falls in a vacation in the succeeding calendar year. The only question is whether the Government servant has enjoyed such vacation as fell within the period of one year as interpreted above.

If, to take an example, a Government servant before going on leave has not completed a full year of duty (including vacation) during the course of the second calendar year, then the fraction of one month which should be deducted from the leave account is the fraction which the period of duty, including vacation, bears to the whole year. If, to take a further complication, he has not enjoyed the whole of the vacation which fell during that period of less than a year, then the amount which should be deducted is the proportion of the period, which the proportion of vacation actually enjoyed bears to the whole period of vacation which fell within that period.

In the case of Government servants who are allowed two vacations in the year instead of one, the periods of the two vacations should be regarded as combined into one.

(c) In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the periods in rules 77 and 81 (a), as reduced by clause (b) of this rule, may be increased by one month for every two years of duty in a vacation department.

Audit Instructions.—The amount credited to the leave account under this rule, as well as that added to the maximum under rule 81 (a)

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should be the actual amount of additional leave taken under this rule, and not the total amount theoretically permissible, i.e., one month for every two years of duty. (Paragraph 35 of Audit Instructions issued up to 31st October 1922.)

(d) When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

Audit Instructions.—The limit of four months' leave on average pay prescribed in the Audit Instruction communicated in Auditor-General's No. 142-Code-23A, dated the 7th February 1923, should be held to be inclusive of any period of vacation prefixed to leave, (Auditor-General's letter No. T/223-A.-213-23, dated the 7th June 1923.)

83. (1) Subject to the conditions hereinafter specified, a local Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to notice. But the Governor-General in Council, if he is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The period of leave granted shall be such as is certified by a medical board to be necessary. It shall not be extended except on the certificate of a medical board, and shall in no case exceed 24 months.

(4) Such leave may be combined with leave of any other kind.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

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(6) Such leave shall be counted as duty in calculating service for pension, and shall not, except as provided in rule 78 (b), be debited against the leave account.

(7) Leave salary during such leave shall, subject to the maxima and minima prescribed in rules 89 and 90 be equal—

(a) for the first four months of any period of such leave, including a period of such leave granted under clause (5) of this rule, to average pay, and

(b) for the remaining period of any such leave to half average pay, or at the Government servant's option, for a period not exceeding the period of average pay which would otherwise be admissible to him, to average pay.

(8) In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave salary payable under this rule shall, with effect from the 1st July 1924, be reduced by the amount of compensation payable under section 4 (1) (d) of the said Act.

(9) The provisions of this rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service; but any period of leave granted to such a person under military rules in respect of his disability shall be reckoned as leave granted under this rule for the purpose of calculating the period admissible.

83A. The Governor-General in Council may extend the application of the provisions of rule 83 to a Government servant who is disabled by injury accidentally incurred in, or in consequence of, the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions—

(i) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of the particular duty; and

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- (ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the Governor-General in Council, so exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave; and
- (iii) that the period of absence recommended by the medical board may be covered in part by leave under this rule and in part by other leave, and that the amount of special disability leave granted on average pay may be less than four months.

83B. (1) A Government servant who has been granted special disability leave under rule 83, and whose domicile is elsewhere than in Asia, may be granted by the authority which sanctioned the special disability leave, free passage by sea for himself, his wife, and children, to the United Kingdom, or to any port in Europe or in a British colony, dominion, or possession, and on the conclusion of such leave return passage to India, unless he takes leave other than leave on medical certificate in continuation of special disability leave, in which case return passage shall not be granted save with the special sanction of the Secretary of State in Council: Provided that the cost of any passages granted under this rule shall not exceed the cost of passages between India and the United Kingdom.

(2) Passages granted under this rule may include travel by land between port of embarkation and port of debarkation, and shall be of such class as the sanctioning authority in each case may determine.

(3) The Governor-General in Council may extend the application of the provisions of clauses (1) and (2) to a Government servant who has been granted special disability leave under rule 83A, and whose domicile is elsewhere than in Asia, provided that he may, at his discretion, grant free passages to the Government servant only, or to the Government servant and his wife only.

(4) For the purpose of this rule—

- (i) the domicile of a Government servant shall be determined in accordance with the provisions set out in the schedule to these rules;

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(ii) "child" means a legitimate child (including a step-child) residing with and wholly dependent on the Government servant, who, if a female, is unmarried, or, if a male, is under the age of 16.

84. Leave may be granted to Government servant on such terms as the Secretary of State in Council may by general order prescribe, to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

Secretary of State's Rules regarding Study Leave.—(1) The rules prescribed by the Secretary of State in Council with reference to this rule to regulate the grant of leave to officers for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction are reproduced in Appendix No. 20 (I). They have effect from the 1st January 1922. (Government of India, Finance Department, Resolution No. 1698-C.S.R., dated the 25th September 1923.)

(2) The rules prescribed by the Secretary of State for the encouragement of officers to undertake courses of legal study, while on leave in the United Kingdom, are reproduced in Appendix No. 20 (II). (Government of India, Home Department, No. F-1737-22 Judicial, dated the 10th April 1923.)

Government of India's Decision.—The Government of India have decided that the cost of the allowance paid to a Government servant during study leave shall be debited to the Government under which he is employed when the study leave is granted. (Government of India, Finance Department, No. F-47-C.S.R., dated the 12th July 1924.)

85. (a) In special circumstances and when no other leave is by rule admissible, extraordinary leave may be granted. Such leave is not debited against the leave account. No leave salary is admissible during such leave.

(b) The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave.

(c) When extraordinary leave is granted to a military officer subject to these rules, he will continue to be treated as in civil employ for all purposes until he is placed on military temporary non-effective pay by the order of a medical board.

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If, after being placed on military temporary non-effective pay, he returns to duty in India, he will have no claim to reinstatement in civil employ.

Audit Instructions.—(1) Extraordinary leave may be granted either by itself or in combination with or in continuation of other leave, subject only to the provision in Fundamental Rule 18. (Auditor-General's No. 1091-A-433-23, dated the 31st October 1923.)

(2) Extraordinary leave without pay granted under the rules of the Civil Service Regulations will not be debited against the leave account under Note 2 to Fundamental Rule 78. (Paragraph 36 of Audit Instructions issued up to 31st October 1922.)

Rules regarding Casual Leave.

S. R. 201. Fundamental Rule 85 does not refer to casual leave for short periods, such leave is not recognised and is not subject to any rule. Technically, therefore, a Government servant on casual leave is not treated as absent from duty, and his pay is not interrupted. Casual leave, however, must not be given so as to cause an evasion of the rules regarding—

(i) date of reckoning allowance	... Fundamental Rule 17,
(ii) charge of office	... Subsidiary Rules under Fundamental Rule 17,
(iii) commencement and end of leave	.. } Fundamental Rules 68, 70,
(iv) return to duty	.. } 71 and 72.

or so as to extend the term of any leave beyond the time admissible by rule.

S. R. 202. The above rule is not to be read as precluding the treatment as casual leave of absence from duty following on leave granted under the rules, so long as such absence is due to reasons involving no evasion of the rules in regard to matters above specified, as for instance, when it is necessitated by—

- (1) detention in plague camps on the way to rejoin; or
- (2) orders not to attend office in consequence of the presence of infectious diseases in the family or household of the persons concerned.

When, however, absence from duty for reasons of the nature above indicated exceeds the period which may reasonably be treated as casual leave under the discretion vested in the local Government or the head of the office, the Government servant may be granted leave with allowance that may be due to him and thereafter leave without allowance.

Note 1.—These examples are not meant to be in any way exhaustive.

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Note 2.—The local Government may sanction a substitute for an absentee who is prohibited from attending his duties on account of some infectious disease in his family, and whose duties cannot be arranged for without prejudice to his pay; provided that the absence does not exceed 30 days and the pay of the absentee is not more than Rs. 100 a month.

86. Leave granted to a Government servant should in no case extend more than six months beyond the date on which the Government servant must compulsorily retire, or, if a Government servant is retained in service after that date, more than six months beyond the date on which he ceases to discharge his duties.

Government of India's Ruling.—The date on which a ministerial Government servant must compulsorily retire is ordinarily the date on which he attains the age of 60 years, but in the case of a ministerial servant who is required to retire between the ages of 55 and 60, the date of compulsory retirement is the date from which he is required to retire. It follows from this ruling that the restriction imposed by Fundamental Rule 86 does not operate in the case of a ministerial servant between the ages of 55 and 60 unless an order is passed requiring him to retire. (Government of India, Finance Department, No. F.-25-C.S.R.—25, dated the 28th January 1925.)

Government of India's Decisions.—(1) The Government of India have decided that the proper test in applying this rule is whether it would be more convenient on general administrative grounds for a Government servant to take leave before or after the age of superannuation, and that all Government servants should be warned that the rule is intended to apply only in cases in which a Government servant with leave due to him has applied for leave in sufficient time before the date of retirement, and his application has been refused owing to the exigencies of the public service, and that it is not intended to apply so as to enable a Government servant at his own option to take leave after, instead of before the date of retirement. (Government of India, Finance Department, No. 2081-C.S.R., dated the 26th November 1923.) (See also Government of Bengal memorandum No. 961-F., dated the 19th January 1924.)

(2) The grant of leave under this rule automatically carries with it the extension required and no formal sanction to the extension is necessary. (Government of India, Finance Department, No. 520-C.S.R., dated the 31st May 1922.)

Section V.—Leave Salary.

87. Subject to the conditions in rules 81, 88, 89 and 90, a Government servant on leave shall, during leave, draw leave salary as follows:—

- (a) if the leave is due, leave salary equal to average pay, or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect; and

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(b) if the leave is not due, leave salary equal to half average pay : provided that when a non-gazetted Government servant who was in service on the 24th day of August 1927, takes leave and—

(i) his pay is less than Rs. 300 ; or

(ii) the leave taken does not exceed one month

his average pay for the purpose of this rule may be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave if this pay be more than the average pay.

Audit Instructions.—(1) The term " pay " in the expression " his pay is less than Rs. 300 " occurring in the proviso should be interpreted according to the definition given in Fundamental Rule 9 (21). (Audit Instruction Circular No. 25, dated the 13th May 1925.)

(2) A Government servant who holds substantively a non-gazetted permanent post but who proceeds on leave from a gazetted post should be regarded as a gazetted officer for the purposes of this rule. (Circular No. 28-IV, dated the 19th January 1926.)

(3) The term " pay " occurring in the expression " the pay which he would draw in the permanent post held substantively by him " contained in the proviso should be interpreted as including " special pay," whether attached to a post or personal to a particular Government servant who holds it, since in either case he would draw it in the post which he holds substantively.

88. After continuous absence from duty on leave for a period of 28 months, a Government servant will draw leave salary equal to quarter average pay, subject to the maxima and minima prescribed in rules 89 and 90.

Note.—A member of the Indian Civil Service or a military commissioned officer subject to the special leave rules is entitled to leave salary equal to subsistence grant after this period.

Audit Instructions.—(1) The expression " continuous absence from duty on leave " in this rule does not include absence on extraordinary leave. (Auditor-General's No. 1147-A/440-23, dated the 14th November 1923, and paragraph 5 of Audit Instruction Circular No. 16, dated the 16th June 1924.)

(2) The period of 28 months mentioned in this rule includes the period of vacation, if any, with which leave is combined. (Circular No. 28-II, dated the 19th January 1926.)

89. (1) During the first four months of any period of leave on average pay, leave salary is subject to an absolute

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maximum of Rs. 4,000 per mensem, but this provision shall not apply to any Government servant, not being a member of the Indian Civil Service who held on the 28th September 1927 a post to which a salary is attached exceeding Rs. 4,000 a month, or to the person who at that date held the office of Auditor-General.

(2) Except during the first four months of any period of leave on average pay, leave salary is subject to the monthly maxima shown in the following table :—

	Average.		Half average.		Quarter average.	
	Outside Asia.	In Asia.	Outside Asia.	In Asia.	Outside Asia.	In Asia.
	£	Rs.	£	Rs.	£	Rs.
Indian Civil Service and military commissioned officers subject to the special leave rules.	222	2,222	111	1,111	..	..
Other Government servants subject to the special leave rules.	200	2,000	100	1,000	60	600
Government servants subject to the ordinary leave rules.	150	1,500	75	750	60	600

Note 1.—The maximum of average pay does not apply in the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, during a period equal to that for which he is entitled to privilege leave.

Note 2.—The maximum of average pay does not apply to a Government servant serving in a vacation department during a period of leave on average pay equivalent to one month for each year since his last leave during which he has not availed himself of the vacation, and to a proportionate fraction of a month during which he has taken a part only of the vacation; provided that, in the case of a Government servant who is transferred with leave to his credit from a non-vacation to a vacation department, the local Government shall decide, on the first occasion on which he takes leave after such transfer, the period not exceeding four months for which the maximum limit of leave salary shall not be applied to him.

Audit Instructions.—(1) The intention is that vacation should be treated as the equivalent of the leave on average pay for the purposes of this rule, and Government of India, Finance Department, Resolution No. 1289-C.S.R., dated the 10th January 1922. (Auditor-General's Audit Instruction Circular No. 1, dated the 2nd February 1928.)

(2) When a portion of the leave salary is paid in sterling it should, for the purpose of applying the rupee limits of leave salary prescribed

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in Fundamental Rules 89 and 90, be converted into rupees at the current rate of exchange as defined in Article 343, Account Code. (Circular No. 27-VII, dated the 31st August 1925.)

90. Subject to the condition that the leave salary of a Government servant shall in no case exceed his average pay, leave salary is subject to the monthly minima shown in the following table :—

	Half average.		Quarter average.	
	Outside Asia.	In Asia.	Outside Asia.	In Asia.
	£	Rs.	£	Rs.
Indian Civil Service and military commissioned officers subject to the special leave rules.	55½	555	..	..
Other Government servants subject to the special leave rules.	33	333	16½	166
Government servants subject to the ordinary leave rules.	25	250	12½	125

Note 1.—The minima specified above for Government servants other than members of the Indian Civil Service and military commissioned officers subject to the special leave rules apply only when leave is taken or extended out of India, elsewhere than in Ceylon, and in the case of Government servants of the Indo-European Telegraph Department, when leave is taken or extended outside India and Persia, elsewhere than in Ceylon.

Note 2.—In the case of a military commissioned officer, the minimum leave salary during such leave as may be added under rule 77 (e) to the leave earned by duty under these rules, or under the European Service Leave Rules of the Civil Service Regulations in the case of an officer who was subject thereto on the 31st December 1921, shall be that prescribed by the military rules to which the officer was subject immediately before he came under these rules or under the European Service Leave Rules of the Civil Service Regulations as the case may be. In the case, however, of an officer of the Royal Engineers who elects to take leave under Civil Leave Rules after completing five years' service, the minimum for so much of the leave credited as has been earned by service in civil employment shall be at the rate of £55½ out of Asia, and Rs. 555 in Asia, or the pay last drawn by him on duty, whichever is less.

Note 3.—A military commissioned officer subject to these rules, who is granted leave on medical certificate in excess of the amount earned by him under both the civil and military rules, may be allowed the civil minimum rate of leave salary for the period of leave taken in excess of the amount so earned.

Audit Instructions.—(1) In applying Note 2 under the rule to a military officer who had already become subject to the Civil Leave Rules, before 1st January 1922, the term "these rules" appearing in lines 4, 6 and 10 of the note, should be read as equivalent to "the Civil Leave Rules." (Paragraph 38 of Audit Instructions issued up to 31st October 1922.)

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(2) When a portion of the leave salary is paid in sterling, it should, for the purpose of applying the rupee limits of leave salary prescribed in Fundamental Rules 89 and 90, be converted into rupees at the current rate of exchange as defined in Article 343, Account Code. (Circular No. 27-VII, dated the 31st August 1925.)

81. (1) That portion of leave salary which represents overseas pay drawn in sterling shall be paid in all cases in sterling.

(2) Subject to the provisions of sub-rule (1), leave salary shall be drawn in rupees if due in respect of leave spent in Asia, and in sterling if due in respect of leave spent out of Asia :

Provided that—

(a) in the case of leave on average pay not exceeding four months, or of the first four months of such leave if it exceeds four months, leave salary due in respect of any portion of such leave which is spent in Asia may, if the officer proceeds out of Asia during the currency of such leave, or within one month of its termination, be drawn in sterling and leave salary due in respect of any portion of such leave spent out of Asia may be drawn in rupees;

(b) in the case of leave of any other description, or of periods of leave on average pay after the first four months of such leave, if the amount of such leave spent in Asia prior to embarkation does not in all exceed one month, leave salary in respect of the whole of such leave may be drawn in sterling.

(3) Leave salary drawn in rupees shall be drawn in India, or, in the case of a Government servant who spends his leave in Ceylon, in Ceylon.

(4) Leave salary drawn in sterling shall be drawn in London or, at the Government servant's option, in any British dominion or colony which the Secretary of State in Council may by order prescribe for the purpose, provided that the officer spends his leave in the dominion or colony in which he has elected to draw his leave salary; but if leave salary due in respect of any portion of leave out of Asia and payable to the Government servant in sterling remains unpaid for no fault on his part, the Governor-General in

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Council may authorise the undrawn amount to be paid in India at such rate of exchange as the Secretary of State in Council may by order prescribe.

(5) Leave salary shall be converted into sterling at such rate of exchange as the Secretary of State in Council may by order prescribe.

Secretary of State's Orders.—(1) The Secretary of State for India in Council is pleased to prescribe that leave salary may be drawn in sterling in the following British Dominions and Colonies:—

<i>Dominion, colony or protectorate, etc.</i>	<i>Designation of paying officer.</i>
Bahamas ..	Receiver-General, Nassau.
Barbados (and all other West Indian Islands except Jamaica).	Colonial Treasurer, Barbados.
Bermuda ..	Command Paymaster, Army Pay Office, Ber- muda.
British Guiana	Colonial Secretary, Georgetown.
British Honduras	Treasurer, Belize.
Egypt*	Command Paymaster, Army Pay Office, Cairo.
Falkland Islands	Treasurer, Stanley.
Fiji ..	Colonial Treasurer, Suva.
Gambia	Treasurer, Bathurst.
Gibraltar ..	Command Paymaster, Army Pay Office, Gibraltar.
Gold Coast ..	Treasurer, Accra.
Jamaica ..	Command Paymaster, Army Pay Office, Jamaica.
Kenya ..	Treasurer, Nairobi.
Malta ..	Command Paymaster, Army Pay Office, Malta.
Mauritius ..	Command Paymaster, Army Pay Office, Mauri- tius, or Colonial Secretary, Port Louis.
New South Wales	Accountant, Commonwealth Sub-Treasury, Syd- ney.
New Zealand	Commissioner of Pensions, Wellington.
Nigeria ..	Treasurer, Lagos.
Northern Rhodesia	The Treasurer, Livingstone.
Nyasaland ..	Treasurer, Nyasaland Protectorate, Zomba.
Queensland ..	Accountant, Commonwealth Sub-Treasury, Brisbane.
St. Helena ..	Colonial Treasurer, St. Helena.
Sierra Leone	Command Paymaster, Army Pay Office, Sierra

* So long as a British Pay Office exists in Egypt.

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<i>Dominion, colony or protectorate, etc.</i>	<i>Designation of paying officer.</i>
Somaliland ..	Treasurer, Somaliland Protectorate, Berbera.
South Australia ..	Accountant, Commonwealth Sub-Treasury, Adelaide.
South Rhodesia ..	Treasurer, Salisbury.
Tanganyika ..	Treasurer, Dar-es-Salaam.
Tasmania ..	Accountant, Commonwealth Sub-Treasury, Hobart.
Uganda ..	Treasurer, Entebbe.
Union of South Africa ..	Chief Pensions Officer, Pretoria.
Victoria ..	Secretary, Commonwealth Treasury, Melbourne.
Western Australia ..	Accountant, Commonwealth Sub-Treasury, Perth.

NOTE.—An officer residing in Canada or Newfoundland takes payment from the Home Treasury, remittance being effected, under arrangements made by the India Office, through the Bank of Montreal. (Government of India, Finance Department, No. F. 151-C.S.R.—24, dated the 8th June 1926.)

(2) Where a rule made by the Secretary of State in Council regarding payments or recoveries refers to a rate of exchange which the Secretary of State in Council may by order prescribe, that rate shall, until further orders, be the rate notified by the Controller of the Currency for telegraphic transfers from Calcutta on London on the 20th of the month preceding that in which the payment or recovery is made. (Government of India, Finance Department, No. F.-283-C. S. R.-26, dated the 29th September 1926.)

Government of India's Orders.—(1) The cost of leave salary paid outside India should be distributed between the different Governments, under which a Government servant has served, according to the length of service under each Government, and it should be debited to the "foreign" Government up to the full amount earned by that service.

(2) When a Government servant is transferred under a Government other than that under which he was first employed, the leave salary drawn by him during any leave taken after the date of transfer shall be charged to the borrowing Government until the entire leave earned under that Government is exhausted. (Government of India, Finance Department, No. 865-C.S.R., dated the 11th August 1921.)

92. The rupee and sterling maxima and minima prescribed in rules 89 and 90 shall be applied to leave salaries paid respectively in rupees and in sterling.

93. A compensatory allowance should ordinarily be drawn only by a Government servant actually on duty, but

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a local Government may make rules specifying the conditions under which a Government servant on leave on average pay may continue to draw a compensatory allowance, or a portion thereof, in addition to leave salary during the first four months of his leave. One of these conditions should be that the whole or a considerable part of the expense to meet which the allowance was given continues during leave.

Audit Instructions.—(1) Under this rule the maximum period during which a Government servant can be allowed to draw compensatory allowances while on leave is four months (or six months in the case of leave admissible under the special concession referred to in Note I to Fundamental Rule 89). The length of the total period of leave is irrelevant, but compensatory allowances cannot be drawn during any period of leave, which is not leave on average pay. (Audit Instruction Circular No. 14, dated the 15th April 1924.)

(2) A Government servant's claims to travelling allowance should be regulated by the rules in force at the time the journeys in respect of which they are made were undertaken. (Paragraph 2, Audit Instruction Circular No. 7, dated the 21st August 1923.)

Rules regarding the Drawing of Compensatory Allowance during leave.

S. R. 263. Subject, in respect of house-rent allowance, to the provisions of rule 265, a compensatory allowance attached to a post will be drawn in full by the Government servant performing the duties of that post.

S. R. 264. A compensatory allowance other than a house-rent allowance or exchange compensation allowance may be drawn up to a maximum period of four months by a Government servant who takes leave on average pay from the post to which the allowance is attached or is transferred therefrom for not more than four months to another post, as well as by the Government servant performing the duties of the post to which the allowance is attached: Provided that—

(1) the authority sanctioning the leave or transfer, as the case may be, certifies that the Government servant is likely to return, on the expiry of his leave or his temporary duty, to the post to which the allowance is attached or to another post carrying a similar allowance; and

(2) (a) in the case of a motor-car allowance, the Government servant certifies that he continued in possession of a motor-car for the period for which the claim is made and the allowance that may be drawn under this rule shall be half the amount of the sanctioned allowance;

(b) in the case of other allowances, the Government servant certifies that he continues to incur the whole or a considerable part of the expense to meet which the allowance was granted. In the latter

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case, it is left to the discretion of the authority sanctioning the leave or the transfer as the case may be, to decide whether any, and by how much, the allowance should be reduced.

NOTE.—When the means of conveyance maintained is only a bicycle, no allowance shall be granted under this rule to a Government servant during leave.

S. R. 285. A house-rent allowance may be drawn by a Government servant on leave or transfer in the circumstances specified in rule 264: Provided that he certifies that his previous rate of expenditure for a house continues during his absence and that he places his house, free of rent, at the disposal of the Government servant, if any, who officiates in his post. The officiating Government servant cannot, in such case, draw the house-rent allowance attached to the post. If, however, the officiating Government servant, for a reason which the local Government considers to be sufficient, refuses the accommodation placed at his disposal, he, and not the absent Government servant, will draw the allowance.

This rule does not apply to any Government servant admitted to the benefits of the Calcutta House Allowance scheme, in so far as it is inconsistent with the rules governing that scheme.

S. R. 286. Exchange compensation allowance, if otherwise admissible, may be drawn by a Government servant during the first four months of any period of leave on average pay.

Section VI.—Exceptions and Special Concessions.

94. The rules in sections I to V are not applicable to the following Government servants whose leave is governed by the Act or by rules made under other sections of the Act:—

- (a) Governors and Lieutenant-Governors, members of the Executive Council of the Governor-General, or of a Governor or Lieutenant-Governor during their tenure of office as such.
- (b) The Chief Justices and other Judges of the several High Courts.
- (c) The Bishops of Calcutta, Madras and Bombay.
- (d) The Auditor-General in India.

Audit Instructions.—Subject to any special orders by the Government of India to the contrary, leave of absence granted to a Member of the Executive Council of the Governor-General (if taken out of India) commences on the day after such Member embarks at any port in India, excluding Aden, and ends on the day before he disembarks at any port in India, excluding Aden, provided always that such

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Member has not been relieved of the charge of his office until he embarks and that he resumes charge immediately upon his disembarkation. (Paragraph 39 of Audit Instructions issued up to 31st October 1922.)

94A. The rules in sections I to V are not applicable to the Presidents of legislative bodies, whose leave is governed by orders issued in this behalf by the Secretary of State in Council.

Secretary of State's Orders.—(1) The Secretary of State in Council has laid down the following principles to govern the grant of leave to the Presidents of the Legislative Councils:—

- (i) In view of the long periods of what may be described as "vacation" which a President enjoys and which he is free to spend wherever he chooses, no President shall be regarded as "earning leave" at all during the tenure of his appointment, or shall, except in the case of inability through sickness to attend to duty, be granted on the basis of his pay and service as President leave of absence from his duty with allowances, either during the tenure of his appointment or, except as provided in clause (ii) below, on its termination.
- (ii) An official, being a member on the active list of a regular service, appointed to be President of a Council, shall be treated as retaining, during his tenure, his right to any leave which he had earned and which was due to him at the time when he assumed the office of President, and shall be entitled to enjoy such leave on or after the termination of his office of President on the allowances which would be admissible without taking account of the salary drawn as President.

(2) The Secretary of State has left to the discretion of His Excellency the Governor the settlement of any question of detail which may arise. (Government of India, Finance Department, Resolution No. 1130-C.S.R., dated the 5th October 1922.)

95. Subject to any exceptions and modifications which the Secretary of State in Council may by rule prescribe, the special leave rules in sections I to V of this chapter apply to Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur.

Secretary of State's Rules.—The rules made by the Secretary of State in Council on 7th June 1923 governing the leave and the leave salary of Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur are given in Appendix No. 21.

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96. The only form of leave which may be granted to a Lieutenant-Governor, whether substantive or officiating, is leave on medical certificate for not more than six months. On resuming his duties after such leave, he may receive leave salary equal to half his pay for the period of absence. If he does not resume his duties, he may draw the leave salary to which he would have been entitled under rule 97 had he vacated his post before taking leave.

97. (1) When a Government servant, who has held the office of Governor, Lieutenant-Governor, or Member of the Executive Council of the Governor-General, or of a Governor or Lieutenant-Governor, takes leave after vacating such office, there shall be credited in his leave account a period equivalent to the leave which would have been earned under the rules in sections I to V if the duty rendered as Governor, Lieutenant-Governor, or Member had been rendered in one of the posts to which these rules apply; and any leave which he has taken during his tenure of office shall be debited to his leave account in the same way as if he had taken leave on half average pay under these rules. His leave salary will be subject to the maxima laid down in rule 89.

(2) If leave is taken immediately on vacating any of the offices referred to in sub-rule (1), or the post of Chief Commissioner, the Government servant shall not retain, while on leave a lien on the post which he has vacated, and, if he held such post substantively, may be left without a lien on any permanent post.

98. The following provisions apply to such holders of the posts enumerated below as are not members of the Indian Civil Service, subject to the special leave rules under rule 75 :—

- (1) Judges of a Chief Court.
- (2) Chief Judges of Small Cause Courts of presidency towns and of Rangoon.
- (3) The Secretary to the Government of India in the Legislative Department.
- (4) A Judicial Commissioner or Additional Judicial Commissioner of the Central Provinces.
- (5) The Administrator-General and Official Trustee in Bengal, Madras or Bombay.

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- (6) The Administrator-General, Official Trustee, Official Assignee and Official Receiver in Burma.
- (7) An Additional Judicial Commissioner of Sind or of the North-West Frontier Province.

Such Government servants are entitled to leave on the terms which apply to Judges of High Courts by rules made under section 104 of the Act, subject, however, to the following modifications, namely :—

- (a) their leave salary shall not exceed, while on ordinary furlough or on subsidiary leave, half average pay, and while on furlough on full allowance, average pay; and
- (b) the holders of posts which have not been declared by the local Government under rule 82 (a) to belong to a vacation department are entitled in lieu of the leave credited to the furlough account of a High Court Judge under the rules made under section 104 because of his having been detained on duty as a Vacation Judge, to a credit in their leave account of a period equal to one-eleventh of the period of actual service performed.

Audit Instructions.—Proviso (a) of this rule does not override rule 16 of the High Court Judges' (India) Rules, 1922, which prescribes the amount of leave salary payable during leave, but is to operate in addition to rule 16 of the High Court Judges Rules.

28. The following law officers are entitled to leave under the rules applicable to members of the Indian Civil Service, provided that their pay as Government servants is fixed at a definite rate and that their whole time is retained for the service of Government :—

An Advocate-General.

A Standing Counsel.

An Official Trustee or Assignee.

A Receiver of a High Court.

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An officer of a High Court holding a post which by law can be held by a barrister only.

A Secretary or Assistant Secretary in the Legislative Department of a local Government.

A Remembrancer, Deputy Remembrancer or Assistant Remembrancer of Legal Affairs.

A Government Advocate or Assistant Government Advocate.

A Clerk of the Crown.

A Government Solicitor.

100. The following provisions apply to military officers in civil employ who remains subject to military leave rules and to non-commissioned officers in civil employ :—

(a) A local Government may grant to such an officer leave of the following kinds :—

(i) leave on average pay for four months at a time, not exceeding, in all, one-eleventh of the period of duty performed since the date on which he became subject to this rule *plus* the privilege leave which it would on that date be permissible to grant to him under the rules applicable to his case before that date :

Provided that, if privilege leave under military rules has been taken in any calendar year, duty counting for leave on average pay will not commence until the beginning of the following year or the expiry of six months after the conclusion of such leave, whichever is earlier, but in any case will not commence from a date prior to that on which he became subject to this rule; and

(ii) any leave, other than privilege leave, admissible under military rules, either alone or in combination with leave on average pay.

Note.—In the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clause (i) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

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Audit Instructions.—In reckoning service for the purpose of calculating leave to military officers in temporary civil employ a period of six months should be excluded after the expiry of the privilege leave mentioned in Fundamental Rule 100 (a) (I), whether this is taken by itself or combined with other leave.

(b) The total period of leave should be regulated by the limits in force under the military rules to which the officer is subject.

(c) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the officer concerned at the time when it was granted:

Provided that, except in the case of an officer holding substantively a permanent post for a fixed term, no leave under sub-clause (ii) of clause (a) of this rule may be granted to an officer unless the local Government is prepared to re-employ him immediately before the termination of the leave:

Provided also that in the case of an officer holding substantively a permanent post for a fixed term, leave under sub-clause (i) of clause (a) may be granted so as to extend beyond the expiry of such term if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of the public service.

100A. Unless the Secretary of State in Council in any case otherwise directs, the following provisions apply to Government servants placed on deputation out of India under conditions declared by the Governor-General in Council to be quasi-European, if the period of the deputation exceeds one year:—

(a) The period of deputation shall not count as duty for the purposes of this chapter.

(b) The amount of leave which can be earned by the deputation shall be determined by the Secretary of State in Council. Such leave can only be taken during the period of deputation and will not be credited or debited in the Government servant's leave accounts.

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(c) Leave salary during such leave shall be equal to the rate of deputation pay :

Provided that where a deputation originally sanctioned for one year or less is subsequently extended so that the total period exceeds one year, these provisions shall apply only in respect of the period in excess of one year.

101. A local Government may make rules regulating the grant to Government servants under its control of—

- (a) maternity leave to female Government servants; and
- (b) leave on account of ill-health to members of subordinate services specified in such rules whose duties expose them to special risk of accident or illness.

Such leave is not debited against the leave account.

Rules regulating the Grant of Maternity Leave to Female Government Servants.

S. R. 207. A competent authority may grant to a female Government servant maternity leave on full pay for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever be earlier.

NOTE.—The expression "Full pay" used in this rule means pay at the time of taking leave.

S. R. 208. Leave of any other kind may be granted in continuation of maternity leave if the request for its grant be supported by a medical certificate.

Rules regulating the grant of leave on account of ill-health to members of specified subordinate services, whose duties expose them to special risk of accident or illness.

S. R. 209. A competent authority may grant hospital leave to Government servants of the following classes while under medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties:—

- (a) Forest subordinates, other than clerks, in receipt of pay not exceeding Rs. 40.
- (b) Head warders or warders, male or female, of jails and matrons of the Jail Department.

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- (e) Government servants employed in Government Presses, whether on fixed pay or on piece rates.
- (d) Subordinates employed in Government laboratories.
- (e) Subordinates employed on the working of Government machinery.
- (f) Peons and guards in permanent employ.
- (g) Subordinates of the Excise and Salt Department on pay not exceeding Rs. 40.
- (h) Head warders or warders, male or female, of lunatic asylums.
- (i) Syces of Government stallions.

S. R. 268A.—A competent authority may grant hospital leave to police officers of rank not higher than that of Assistant Sub-Inspector or head-constable, to men of the military police or to members of crews of police launches (including serangs and drivers) for a period during which they are under treatment as indoor or outdoor patients of a police hospital, provided that the said authority certifies that the illness or injury for which treatment is given is not directly due to intemperate or irregular habits.

S. R. 270. Hospital leave may be granted on leave salary equal to either average or half average pay, as the authority granting it may consider necessary.

NOTE.—The grant of hospital leave is subject to the condition that the leave salary is not in addition to the benefits that the employee may be entitled to under section 4 (1) D of the Workmen's Compensation Act, but is inclusive of them.

S. R. 271. The amount of hospital leave which may be granted to a Government servant is limited to three months on average pay in any period of three years. Hospital leave on half average pay counts, for the purpose of this limit, as half the amount of leave on average pay.

S. R. 272. Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible; provided that the total period of leave, after such combination, shall not exceed twenty-eight months.

102. A local Government may make rules regulating the grant of leave on account of ill-health to officers and seamen of Government vessels. Such leave is not debited against the leave account.

Rules regulating the Grant of Leave to Seamen.

S. R. 273. A Government servant serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted by the Commander of the vessel leave on

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leave salary equal to full pay for a period not exceeding six weeks: Provided that such leave shall not be granted if a responsible medical officer certifies that the Government servant is malingering or that his ill-health is due to drunkenness or similar self-indulgence or to his own action in wilfully causing or aggravating disease or injury.

S. R. 274. A seaman disabled in the exercise of his duty may be allowed leave on leave salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled:—

- (a) A Government medical officer must certify the disability.
- (b) The disability must not be due to the seaman's own carelessness or inexperience.
- (c) The vacancy caused by his absence must not be filled.

NOTE.—The grant of hospital leave under S. R. 273 and seamen's sick leave under S. R. 274 is subject to the condition that the leave salary is not in addition to the benefits that the employee may be entitled to under section 4 (1) D of the Workmen's Compensation Act, but is inclusive of them.

103. A local Government may make rules regulating the leave which may be earned by—

- (a) temporary and officiating service;

Model Leave Terms for Officers engaged on Contract.

[These terms are intended to be applied to Government servants engaged on contract in the United Kingdom or to those who, though residing in India at the time of engagement on contract, originally came out from the United Kingdom for employment in India, (Government of India, Finance Department, No. F./19—C.S.R./25, dated the 26th June 1925).]

Secretary of State's Ruling.—(1) Where the contract is for one year or less, no leave, except on medical certificate (on average or half average pay), which would ordinarily be limited to two months reckoned in terms of leave on average pay.

(2) Where the contract is for more than one year and less than three years, leave on average pay up to one-eleventh of the period spent on duty, to which may be added on medical certificate leave on average or half average pay, provided that the total leave granted shall not exceed three months reckoned in terms of leave on average pay.

(3) Where the contract is for three years or over, leave on average pay up to one-eleventh of the period spent on duty, up to a maximum of four months at a time, to which may be added on medical certificate leave on average or half average pay up to a maximum of three months reckoned in terms of leave on average pay.

In the case of officers coming under rules (2) and (3)—

- (a) three months' extraordinary leave without pay may be granted in addition to the above; and

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(b) if the officer is in a vacation department, leave may only be granted in case of urgent necessity, and if granted, shall be on half average pay for a period not exceeding one-eleventh of the period spent on duty in addition to any leave admissible on medical certificate. The officer may, however, be granted leave on leave salary equivalent to average pay, to the extent of one month for each year on duty in which he has not availed himself of any part of a vacation.

In cases where—

- (a) the contract is for a longer term than five years; or
- (b) an original contract for five years is extended; or
- (c) on completion of his original contract of whatever terms, a Government servant is taken into permanent employment; or
- (d) an original contract is extended so as to make the total period of service longer than five years (Government of India, Finance Department, No. F-62-C.S.R.-26, dated the 28th April 1926).

the ordinary or special leave rules, as the case may be, as contained in Fundamental Rules, will be made applicable.

Leave may be granted after the expiry of contract only where it has been applied for during the period of the contract and refused owing to the exigencies of the public service.

An officer whose services are dispensed with on grounds of ill-health shall be permitted to take all leave due to him before his service is terminated. (Government of India, Finance Department, No. F-31-C.S.R.-24, dated the 11th October 1924, and Government of Bengal, Finance Department, No. 299-F., dated the 19th January 1927.)

- (b) service which is not continuous; and
- (c) part-time service, or service which is remunerated wholly or partially by the payment of fees or daily wages;

provided that such rules shall not grant more favourable terms than would be admissible if the service were substantive, permanent and continuous.

Government of India's decision.—The service of a re-employed pensioner, who has retired on superannuation or retiring pension, should be regarded as temporary and the grant of leave to him should be regulated under Fundamental Rule 103.

Rules regulating the Grant of Leave.

(1) To Temporary and Officiating Government Servants.

S. R. 275. Leave may be granted to any Government servant without a lien on a permanent post while officiating in a post or

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holding a temporary post: Provided that the grant of the leave involves no expense to Government. On this condition such a Government servant may be granted—

- (a) leave on leave salary equivalent to full pay up to one-eleventh of the period spent on duty, subject to a maximum of four months at a time; or
- (b) on medical certificate, leave on leave salary equivalent to half pay for three months at any one time; or
- (c) extraordinary leave for three months at any one time.

Note.—The different kinds of leave referred to in clauses (a), (b) and (c) of this rule are cumulative and not alternative. (Paragraph 3 of Audit Instruction Circular No. 11, dated the 15th January 1924.)

Note 2.—The local Government may sanction a substitute for an absentee who is prohibited from attending his duties on account of some infectious disease in his family, and whose duties cannot be arranged for without prejudice to his pay; provided that the absence does not exceed 30 days, and the pay of the absentee is not more than Rs. 100 a month.

Exception.—In the case of a Government servant officiating in a permanent post or holding a temporary post in a vacation department, leave granted under clause (a) of this rule shall be on leave salary equivalent to half pay; provided that such a Government servant may be granted, under that clause, leave on leave salary equivalent to full pay to the extent of one month for each year of duty, in which he has not availed himself of any part of the vacation. (Government of India, Finance Department, No. 783-C.S.R., dated the 18th July 1922.)

S. R. 276. If such a Government servant is, without interruption of duty, appointed substantively to a permanent post, his leave account will be credited with the amount of leave which he would have earned by his previous duty if he had performed it while holding a permanent post substantively, and debited with the amount of leave actually taken under rule 275. Leave taken under rule 275 is not an interruption of duty for the purpose of this rule.

Exception.—The officiating service of a Munaf prior to confirmation counts towards leave, whether such service is continuous or not. (Government of Bengal, Finance Department, No. 475-F., dated the 1st February 1927.)

S. R. 277. The temporary and officiating service rendered under another Government, whether Central or Provincial, will, if followed by confirmation of the officers under the Bengal Government, be taken into account for the purpose of the leave account maintained under the Fundamental Rules, provided that under the rules laid down by the other Government such service would have counted had the Government servant in question continued in the service of that Government without a break till confirmation.

(H) To Government Servants whose Service is not Continuous.

S. R. 278. A Government servant on an establishment whose duties are not continuous, but are limited to certain periods in each year, may be granted the following leave, if he was on actual duty on the date the establishment was discharged after completion of its

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work, and was on actual duty on the first day on which the establishment was again re-employed:—

- (a) Leave on medical certificate for one month on half average pay at any one time during the period the establishment is employed for any one term.
- (b) Extraordinary leave for one month at any one time during the period the establishment is employed for any one term.

S. R. 278. A competent authority may make exceptions, in case a Government servant remains absent from duty on the date of discharge or date of re-employment of the establishment owing to sickness: Provided that the total period of leave on medical certificate under clause (a) in rule 278 does not exceed two months in one term.

(III) To Part-time Government Servants.

S. R. 280. A law officer holding one of the posts mentioned in Fundamental Rule 99, if his pay is fixed at a definite rate, but his whole time is not retained for the service of Government, may be granted leave as follows:—

- (a) Leave on full pay during the vacation of the High Court; provided that no extra expense is thereby caused to Government. Such leave will be counted as duty.
- (b) Leave on half pay for not more than six months once only in his service after six years of duty; provided that no extra expense is thereby caused to Government.
- (c) On medical certificate, leave on half pay up to a maximum of 20 months at any one time; provided that three years of duty must intervene between any two periods of leave on medical certificate; provided that no extra expense is thereby caused to Government.
- (d) On the conditions prescribed in Fundamental Rule 85, extraordinary leave.

S. R. 281. Leave under any one of the clauses of rule 280 may be combined with leave under any other clause.

S. R. 282. A Government Pleader or a Government Prosecutor is entitled to such leave of absence and to such leave salary when on leave, as the authority who appoints him may think fit to grant, provided that no extra expense be caused to Government.

(IV) To Government Servants remunerated by Fees or Daily Wages.

S. R. 283. A Government servant remunerated by fees may be granted leave on the terms laid down in subsidiary rules framed under Fundamental Rule 103(c) for part-time law officers: Provided that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to Government, and that,

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during leave of the kind contemplated by clause (b) of rule 280 of the said rules, the whole of the fees are paid to the person who officiates in his post.

R. R. 284. A section-writer or a press servant paid under the piece-work system, if granted leave, is not entitled to any allowance whatever during his absence.

R. R. 285. A labourer employed on daily wages in a workshop, when temporarily absent from work owing to injuries received while on duty, may be granted by a competent authority leave on full wages up to a maximum of six months. A competent authority may, in similar circumstances, sanction the grant of leave salary not exceeding Rs. 50, or one month's wages, or the wages which the absentee would have earned during the period of leave if he had been present on duty, whichever of these is least.

NOTE.—The limits prescribed above are to be regarded as inclusive of compensation under section 4 (1) D of the Workmen's Compensation Act, where that is payable.

104. During their period of probation or apprenticeship, probationers and apprentices are entitled to leave as follows:—

(a) if appointed under contract in the United Kingdom with a view to permanent service in India, or if appointed in the United Kingdom to posts created temporarily with the prospect, more or less definite, of becoming permanent:—

(i) to such leave as is prescribed in their contracts, or, when no such prescription is made,

(ii) (1) when the period of probation is not less than three years, to the same leave which would be admissible if they held permanent posts; or

. (2) when the period of probation is less than three years, to leave on average pay up to one-eleventh of the period spent on duty, to which may be added, on medical certificate, leave on half average pay; provided that the total leave granted under this clause shall not exceed three months reckoned in terms of leave on average pay; and

(b) if appointed otherwise, to such leave as is admissible under the rules framed on this behalf by the local Government, subject to the proviso in rule 103.

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Rules regulating the Grant of Leave to Probationers and Apprentices.

S. R. 287. In these rules—

- (a) "Probationer" means a Government servant employed on probation in or against a substantive vacancy in the cadre of a department.
- (b) "Apprentice" means a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from Government during such training, but is not employed in or against a substantive vacancy in the cadre of a department. It includes a "recruit boy" enlisted in the Eastern Frontier Rifles.

S. R. 288. Leave may be granted to a probationer if it is admissible under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation.

S. R. 289. Leave of the following kinds may be granted to an apprentice:—

- (a) On medical certificate, leave on leave salary equivalent to half pay for a period not exceeding one month in any year of apprenticeship.
- (b) Extraordinary leave under Fundamental Rule 85.

JOINING TIME.

Chapter XI.—Joining Time.

105. Joining time may be granted to a Government servant to enable him—

- (a) to join a new post to which he is appointed while on duty in his old post; or
- (b) to join a new post,—
 - (i) on return from leave on average pay of not more than four months' duration; or
 - (ii) when he has not had sufficient notice of his appointment to the new post, on return from leave other than that specified in sub-clause (i); or
- (c) to travel from the port of debarkation and organize his domestic establishment when he returns from leave out of India of more than four months' duration; or
- (d) on departure on or return from leave to proceed from or to the place at which he is posted to or from specified stations, when the place concerned is in a remote locality which is not easy of access:

Provided that joining time shall not be allowed for the purposes specified in paragraph (c) or paragraph (d) to any person to whom rule 98 applies.

Audit Instructions.—(1) If vacation is combined with leave, joining time should be regulated under clause (b) (i), if the total period of leave and vacation combined is less than four months' duration and under clause (c), if the leave is out of India and vacation combined is more than four months. (Paragraph 3 of Audit Instruction Circular No. 7, dated the 21st August 1923.)

(2) If a Government servant is authorised to make over charge of an office elsewhere than at its headquarters, any joining time to which he may be entitled shall be reckoned from the place at which he actually makes over charge. (Auditor-General's Audit Instructions, paragraph 42, issued up to 31st October 1922.)

(3) The rules relating to joining time applicable to Government servants transferred from one province to another will be those in force in the province to which the Government servant is transferred. (Audit Instructions, paragraph 43, issued up to 31st October 1922.)

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(4) The intention of sub-clause (b) (i) of this rule is that joining time should be allowed to those Government servants who are granted privilege leave or leave on average pay for not more than four months, or those who are granted privilege leave up to a maximum of six months under the special war concession, and who are transferred to a new station on the termination of such leave. (Auditor-General's Instructions, paragraph 44, issued up to 31st October 1922 and Audit Instruction Circular No. 18, dated the 16th June 1924.)

(5) In the case of a Government servant who is appointed while on leave of not more than four months' duration to a post other than that from which he took leave, the full joining time calculated under S. R. 297 [vide also rule 300 (Central)] is admissible, irrespective of the date on which the orders of transfer were received by the Government servant concerned. Should the Government servant join his new appointment before the expiry of such leave plus the joining time admissible, the period short taken should be considered as leave not enjoyed, and a corresponding portion of the leave sanctioned should be cancelled without any reference to the authority which granted the leave. (Paragraph 4, Audit Instruction Circular No. 8, dated the 15th October 1923; and Audit Instruction Circular No. 16, dated the 16th June 1924.)

103. A local Government may make rules regulating the joining time admissible in each of the cases mentioned in rule 105 and specifying the places and stations to which clause (d) of that rule shall apply. Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment.

Rules regulating Joining Time.

S. R. 290. Not more than one day is allowed to a Government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule.

S. R. 291. In cases involving a necessary change of station, the joining time allowed to a Government servant is subject to a maximum of 30 days. Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows:—

(a) A Government servant is allowed—

*For that portion of the journey which
he travels or might travel.*

One day for each.

By railway	250 miles.
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By ocean steamer	200 "
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By river steamer	80 "
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By motor-car or horse-drawn conveyance plying for public hire	80 "
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In any other way	15 "
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or any longer time actually occupied in the journey.

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- (b) For any fractional portion of any distance prescribed in clause (a), an extra day^{*} is allowed.
- (c) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer.
- (d) Travel by road not exceeding five miles to or from a railway station at the beginning or end of a journey does not count for joining time.
- (e) A Government servant whose pay does not exceed Rs. 100 is not ordinarily expected to travel by motor-car or horse-drawn conveyance plying for public hire, and his joining time is calculated accordingly.
- (f) A Sunday does not count as a day for the purpose of the calculations in this rule, but Sundays are included in the maximum period of 30 days.

S. R. 292. When a Government servant, returning from leave out of India exceeding four months, takes joining time before joining his post, his joining time shall be calculated as prescribed in rule 291; provided that it shall, if he so desire, be subject to a minimum of ten days.

S. R. 293. By whatever route a Government servant actually travels, his joining time shall, unless a competent authority for special reasons otherwise order, be calculated by the route which travellers ordinarily use.

S. R. 294. If a Government servant is authorized to make over charge of a post elsewhere than at its headquarters, his joining time shall be calculated from the place at which he makes over charge.

S. R. 295. If a Government servant is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment.

S. R. 296. If a Government servant takes leave while in transit from one post to another, the period which has elapsed since he handed over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. In the latter case he may be allowed the joining time calculated for the journey from his old station to the furthest place to which he has proceeded on his route to his new station.

S. R. 297. If a Government servant is appointed to a new post while on leave for not more than four months' duration, his joining time will be calculated from his old station or from the place in which he received the order of appointment, whichever calculation will entitle him to the less joining time. If the leave is being spent out of India, and the order of appointment to the new post reaches him before he arrives at the port of embarkation, the port of embarkation is the place in which he received the order for the purpose of this rule. In cases falling under this rule in which the Government servant joins his new post before the expiry of his leave plus the joining

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time admissible, the full joining time admissible under the rules should be deducted from the total period, and the balance only should be debited to his leave account.

S. R. 202. A competent authority may, in any case, extend the joining time admissible under these rules: Provided that the general spirit of the rules is observed.

S. R. 203. Within the prescribed maximum of 30 days, a competent authority may, on such conditions as it thinks fit, grant to a Government servant a longer period of joining time than is admissible under the rules in the following circumstances—

(a) when the Government servant has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules; or

(b) when such extension is considered necessary for the public convenience or for the saving of such public expenditure as is caused by unnecessary or purely formal transfers; or

(c) when the rules have, in any particular case, operated harshly; as, for example, when a Government servant has, through no fault on his part, missed a steamer or fallen sick on the journey.

S. R. 204. The authority which granted the leave will decide whether the notice referred to in Fundamental Rule 105 (b) (ii) was insufficient.

S. R. 205. A Government servant on transfer during a vacation may be permitted to join at the end of the vacation, although the usual joining time is thereby exceeded.

Rules specifying Stations not easy of Access.

S. R. 206. The following places and stations have been declared to be not easy of access, within the meaning of Fundamental Rule 105 (d):—

- (1) Sikkim, Tibet, Bhutan.
- (2) Chittagong Hill Tracts.
- (3) Hill Tippera.

Rules regulating Joining Time in respect of Places not easy of Access.

S. R. 207. Government servants posted at the places named in column 1 of the following table are entitled to joining time under

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Fundamental Rule 105 (d) during journeys made, while proceeding on or returning from leave, between any such place and the station named against it in column 2 of the table:—

Place.	Station.	Period. Conditions, if any.	Days.
Rangamati			2
Ramgarh			1
Mahalchhari			4
Dighinala			6
Khagraghhari			5
Bandarban			1
Ruma	Boundary of Chittagong district.		3
Lama			1
Nakhyangohhari			1
Kasalong			3
Manikchhari			1
Mainimukh			5
Chandraghona			1
Barkai			3
Chunbi			8
Gyantee			18
Gangtok			4
Singtam	Kalimpong Road station.		2
Chunthang			7
Rongli			3
Ari			3
Langedu	Boundary of Chittagong district		4
Narsi chhari			8
Kaptai			1
Alikadam			2
Madhu			9
Tinkonia			2
Panohhari			6
Tambre			1
Naidang			3

S. R. 304. The amount of joining time admissible under rule 303 is the actual time spent on the journey or the period, if any shown for a journey in column 3 of the table in rule 303, whichever is less: Provided that the journey shall be held to commence on the day following either the handing over of charge of the Government servant's post or his arrival at the station named in column 2 of the table below rule 303 according as the Government servant is departing on or returning from leave.

S. R. 305. A Government servant transferred from any of the places named in column 1 of the table in rule 303 is entitled to the joining time admissible under clause (a) or (b) of Fundamental Rule 105, in addition to any joining time admissible under rule 303 above. The additional joining time should be calculated as though the post from which the Government servant is transferred were the station shown in column 2 of the table below rule 303 against the place in which he is serving.

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A Government Servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows:

- (a) If on joining time under clause (a) of rule 105, he is entitled to the pay which he drew prior to relinquishing charge of his old post, or the pay which he will draw on taking charge of his new post, whichever is less.
- (b) If on joining time under clause (b) or (c) of rule 105 he is entitled—
 - (i) when returning from extraordinary leave, other than extraordinary leave not exceeding fourteen days granted in continuation of other leave; if a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules, to subsistence grant; otherwise, to no payments at all;
 - (ii) when returning from leave of any other kind; to the leave salary which he last drew on leave at the rate prescribed for the payment of leave salary in India:

Provided that the amount of half average pay to be drawn during joining time by a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules returning from leave on half average pay shall be calculated without regard to the limits prescribed in rule 89.

Note 1.—A military officer subject to the military leave rules who retains a lien on his civil post is entitled, on joining time under sub-clause (ii) above, to draw the same amount of leave salary which he would have drawn had he taken leave under civil leave rules; provided that such leave salary shall not be less than that which he actually drew during the last portion of his leave.

- (c) If on joining time under clause (d) of rule 105, he is entitled to pay as though he were on duty in his post.

Note 2.—A ministerial servant on transfer is not entitled to be paid while on joining time, unless his transfer is made in the public interests. A transfer made in consequence of his own misbehaviour does not fulfil this condition.

Audit Instructions.—No extra pay (where the transfer involves the grant of extra pay) can be drawn in any case by a relieving Government servant until the transfer is complete, but as far as ordinary pay and allowances are concerned, an exception may be made to the

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general rule in all cases in which the charge to be transferred (whether a division, a subdivision or other charge) consists of several scattered works, which the relieving and relieved Government servants are required, by the orders of a superior officer, to inspect together before the transfer can be completed. The relieving Government servant will be considered as on duty, if the period taken in carrying out these inspections is not considered by the Superintending Engineer to be excessive. While so taking over charge, therefore, a Government servant will draw full pay, and will be regarded as on-duty and not as on joining time. (Paragraph 45 of Audit Instructions issued up to 31st October 1922.)

S. R. 305A. During joining time under Fundamental Rule 105(a) a Government servant may draw a compensatory allowance attached to the post from which he is transferred, provided an allowance of a similar kind attaches to his new post; provided also that in the case of a conveyance allowance granted on condition that a conveyance is maintained the conveyance is maintained during the joining time.

Note.—In the event of the allowance being of a different amount in the two posts, the smaller amount will be drawn.

Rule regulating Joining Time of Government Servants not having Substantive Appointments.

S. R. 306. A Government servant having no substantive appointment under Government is not entitled to any pay during joining time, but if such a Government servant officiating in a post is transferred to another post under the local Government, the authority who orders the transfer may allow him to draw during his transit the pay to which he would be entitled under Fundamental Rule 107 (a).

108. A Government servant who does not join his post within his joining time is entitled to no pay or leave salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of rule 15.

FOREIGN SERVICE.

PART VII.

Chapter XII.—Foreign Service.

109. The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force. Government servants transferred previously will remain subject to the rules in force at the time of transfer.

Government of India's Decision.—(1) The Government of India have decided that this rule applies only to the original period for which their services were transferred, beginning before and terminating after the 1st January 1922. Any further extension should be treated as a fresh transfer and governed by the Fundamental Rules. The same principle will apply as to the date from which the rates of contribution will apply, as prescribed in Government of India letter No. 64-E.B., dated the 27th January 1922. The terms of extensions commencing after 1st January 1922 already sanctioned will not be affected by this order, unless the foreign employer was specifically warned of the liability to revision. (Government of India, Finance Department, No. 1391-C.S.R., dated the 17th August 1923, see also paragraph 2, Audit Instruction Circular No. 6, dated the 6th July 1923.)

(2) This rule applies to those Government servants only who are transferred to foreign service after 1st January 1922; those transferred previously remaining subject to the rules in force at the time of transfer. Government servants of the latter class are, however, entitled to take the benefit of the new rules, and will be adjudged to have elected to do so, if they do not exercise the option given by Fundamental Rule 58. To cover cases in which such Government servants come under the new leave rules, the Government of India decided—

- (1) that their pay in foreign service shall be treated as pay for the purpose of calculating leave salary; and
- (2) that the existing obligations of foreign employers to pay a portion of leave allowance during privilege leave shall be held to continue during the first four months of any period of leave on average pay.

(Government of India, Finance Department, Resolution No. 35-E.B., dated the 18th January 1922, see also paragraph 46 of Audit Instructions issued up to 31st October 1922.)

110. (a) No Government servant may be transferred to foreign service against his will.

(b) A transfer to foreign service outside India may be sanctioned by the Governor-General in Council.

Note.—The Government of Madras is authorised to transfer to service in Ceylon any Government servant other than a member of an all-India service.

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(c) Subject to any restrictions which the Governor-General in Council may by general order impose in the case of transfer to the service of an Indian State, a transfer to foreign service in India may be sanctioned by the local Government under which the Government servant transferred is serving.

111. A transfer to foreign service is not admissible unless

- (a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and
- (b) the Government servant transferred holds, at the time of transfer, a post paid from general revenues or holds a lien on such a post.

Government of India's Decision.—Under this rule, the transfer of a temporary Government servant to foreign service is permissible. (Government of India, Finance Department, No. F.-66-C.S.R., dated the 22nd July 1924.)

112. If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave salary.

Government of India's Decision.—(1) The Government of India have decided to accept the suggestions made by the Secretary of State with regard to the application of foreign service rules to officers accepting employment under an Indian State, while on leave preparatory to retirement.

Extract from the Secretary of State's Despatch, Financial No. 4, dated the 22nd February 1923, to the Governor-General in Council.

".....The suggested treatment of service in an Indian State in the case of an officer on leave preparatory to retirement on proportionate pension as foreign service while the time so spent is simultaneously regarded as leave would not be in accord with the spirit and intentions of the Foreign Service procedure. Further, it would ordinarily have the effect of increasing the officer's difficulties in obtaining fresh employment.....I think, therefore, that the service in question, if permitted by you, should be treated as being private employment, unless in any special case the circumstances are such that the Government of India think it right to treat the officer as one for whom an alternative career has been found by them.....In the latter case, the officer would not be on leave, the service should be treated as foreign service, counting for pension, contribution should be taken from the State concerned, and the proportionate pension should remain in suspense.

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2. I would treat officers about to retire on ordinary pension on similar lines, i.e.—

- (a) in the usual case (e.g., that of an officer who has reached or is approaching the age of superannuation) the officer, notwithstanding his employment, with your permission in an Indian State, should be allowed to take any leave which would be admissible to him had he not accepted such employment, and pension contribution should not be required;
- (b).in exceptional cases, which in the opinion of the Government of India justify such a course, acceptance of the employment might be made conditional on the officer remaining in their service and being placed on the usual foreign service terms."

(Government of India, Finance Department, No. 602-C.S.R., dated the 26th April 1923, and enclosure.)

(2) The decision communicated in the correspondence with the Secretary of State referred to above may be taken as applying to all foreign service, and not only to service in an Indian State. (Government of India, Finance Department, No. 957-C.S.R., dated the 13th June 1923.)

(3) Government servants deputed on foreign service should be treated as under the Government, Central or Provincial, under which he was permanently employed at the time of the transfer. (Government of India, Finance Department, No. 1316-C.S.R., dated the 22nd November 1922.)

113. A Government servant transferred to foreign service will remain in the cadre in which he held a post prior to his transfer, and may be given such substantive or officiating promotion in that cadre as the authority competent to order promotion may decide. In giving promotion, such authority will take into account—

- (a) the nature of the work performed in foreign service;
and
- (b) the promotion given to juniors in the cadre.

114. A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions which the Governor-General in Council may by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

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Government of India's Orders regulating Emoluments while on Foreign Service in an Indian State.—The following orders have been issued by the Governor-General in Council under this Fundamental Rule in regard to the pay, the amount of joining time admissible and the pay admissible during joining time in the case of officers transferred to foreign service in an Indian State:—

(1) When the transfer of a Government servant to foreign service in an Indian State is sanctioned, the pay which he shall receive in such service must be precisely specified in the order sanctioning the transfer. If it is intended that he shall receive any remuneration, or enjoy any concession of pecuniary value, in addition to his pay proper, the exact nature of such remuneration or concession must be similarly specified. No Government servant will be permitted to receive any remuneration or enjoy any concession, which is not so specified; and, if the order is silent as to any particular remuneration or concession, it must be assumed that the intention is that it shall not be enjoyed.

(2) No order of transfer to foreign service shall be issued by a local Government without previous consultation with its Finance Department. It shall be open to that department to prescribe, by general or special order, cases in which its consent may be presumed to have been given.

(3) The following two general principles must be observed by local Governments in sanctioning the conditions of transfer:—

(a) The terms granted to the Government servant must not be such as to impose an unnecessarily heavy burden on the Indian State which employs him.

(b) The terms granted must not be so greatly in excess of the remuneration, which the Government servant would receive in Government service as to render foreign service appreciably more attractive than Government service.

(4) Provided that the two principles laid down in paragraph 3 above are observed, a local Government may sanction the grant of the following concessions by the foreign employer. Such concessions must not be sanctioned as a matter of course, but in those cases only in which their grant is in accordance with local custom and the wishes of the durbar and is, in the opinion of the local Government, justified by the circumstances. The value of the concessions must be taken into account in determining an appropriate rate of pay for the Government servant in foreign service:—

(a) The payment of contributions towards leave salary and pension under the ordinary rules regulating such contributions.

(b) The grant of travelling allowance under the ordinary travelling allowance rules of the local Government or under the local rules of the durbar, and of permanent travelling allowance, conveyance allowance and horse allowance.

(c) The use of State tents, boats and transport on tour, provided that this is accompanied by a corresponding reduction in the amount of travelling allowance admissible.

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(d) The grant of free residential accommodation, which may be furnished, in cases in which the local Government considers this to be desirable, on such scale, as may seem proper to the local Government.

(e) The use of State motors, carriages and animals.

(5) The grant of any concession not specified in paragraph 4 above requires the sanction of the Governor-General in Council. (Government of India, Finance Department, No. 1360-E.B., dated the 10th December 1921.)

Audit Instructions.—When any Government servant lent on foreign service conditions retires from British service without, at the same time, retiring from the service of his foreign employer, the Audit Officer shall communicate to the foreign employer through the usual authorities a statement showing the date of retirement, and the amount of pension drawn from the British Government so as to give the foreign employer the opportunity, if he be so inclined, of revising the existing terms of employment. (Paragraph 47 of Audit Instructions issued up to 31st October 1922.)

115. While a Government servant is in foreign service, contributions towards the cost of his pension must be paid to general revenues on his behalf. If the foreign service is in India, contributions must be paid on account of the cost of leave salary also. Such contributions shall be paid by the Government servant himself, unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

Note 1.—Pensions, throughout this chapter, include bonus, if any, payable to a Government servant's credit in a Provident Fund.

2.—In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, except in the case of Government servants lent to the War Office, whose contributions are paid in accordance with special arrangements with the War Office.

S. R. 307. A copy of the orders sanctioning a Government servant's transfer to foreign service must always be communicated to the Account Officer (referred to in S. R. 308) by the authority by whom the transfer is sanctioned. The Government servant himself should, without delay, communicate a copy to the officer who audits his pay, and take his instructions as to the officer to whom he is to account for the contribution; report to the latter officer the time and the date of all transfers of charge to which he is a party when proceeding on, while in, and on return from, foreign service; and furnish from time to time particulars regarding his pay in foreign service, leave taken by him, his postal address and any other information which that officer may require.

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S. R. 300. (a) In the case of foreign service out of India, the "Account Officer" is the Accountant-General, Central Revenue.

(b) In the case of foreign service in India—

(i) if pay in foreign service is paid from a Government Treasury, and is subject to audit by an Audit Officer of Government the Account Officer is such Audit Officer;

(ii) otherwise, the Account Officer is the Accountant-General of the province in which the Municipality, Port Trust or other body concerned is situated or in the case of service under an Indian State, the Accountant-General of the Government under whose administration the State is.

116. Contributions will be calculated on the pay drawn in foreign service. In return for the contributions the Governor-General in Council or the local Government, as the case may be, accepts the charge for the pension, and if the foreign service is in India the leave salary, of the Government servant. In calculating leave salary and pension, the pay drawn in foreign service, less such part of it as may be paid as contribution, will count as pay for the purpose of rule 9 (2).

Audit Instructions.—(1) The Auditor-General has decided that the orders in Government of India, Finance Department, Resolution No. 35-E. B., dated the 18th January 1922, were not intended to place officers who were transferred to foreign service before 1st January 1922, and who have elected to come under the new leave rules in a better position in the matter of leave salary than those transferred to foreign service subsequently. What was intended is that the principle of the rules in Fundamental Rule 116 should be applied to both cases of officers. The expression "their pay in foreign service" in clause (1) in the resolution should therefore, be taken as meaning "the pay drawn in foreign service less such part of it as may be paid as contribution."

(2) In the case of officers who are exempted from the payment of contribution, leave salary should be based on the actual pay in foreign service without regard to contribution, which would have been paid but for the exemption. (Auditor-General's No. 617-A-186-22, dated the 7th September 1922, to the Accountant-General, Bengal.)

117. The rate of contributions payable on account of pension and leave salary shall be such as the Governor-General in Council may by general order prescribe.

Government of India's Orders.—(1) The following rates of contribution payable on account of pension and leave salary have been laid down by the Government of India:—

For Indian Civil Service Officers.—For pension only 25 per cent. of pay actually drawn in foreign service.

For Indian Civil Service Officers.—For leave salary and pension only 40 per cent. of pay actually drawn in foreign service.

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For Military Officers.—For leave salary and pension only 40 per cent. of pay actually drawn in foreign service (provisional.)

These rates came into force with effect from 27th January 1922 and will be leviable in the case of officers of the Indian Civil Service who are transferred to foreign service on or after that date. (Government of India, Finance Department, No. 64-E.B., dated the 27th January 1922.)

(2) The Government of India have fixed the following rates of contributions for services other than the Indian Civil Service:—

For Officers of All-India Services (other than the Indian Civil Services) and corresponding Central Services.—When leave salary is paid by—

Government—30 per cent.

Foreign employer— $\frac{3}{16}$ ths.

For other officers in Superior Services.—When leave salary is paid by—

Government—25 per cent.

Foreign employer— $\frac{1}{6}$ th.

It has also been decided that contributions should be calculated on actual pay in foreign service, subject to the following maxima:—

Indian Civil Service and Military Officers—Rs. 3,000 per month,
Officers of other All-India Services and Central Services—
Rs. 2,500 per month.

(Government of India, Finance Department, No. F.-81-C.S.R., dated the 4th August 1924.)

(3) The maxima laid down in paragraph (2) do not affect the liability of Government to pay leave salary and pension based on "pay drawn in foreign service less such part of it as may be paid as contribution," as laid down in Fundamental Rule 116. (Government of India, Finance Department, No. F. 322-C. S. R.-25, dated the 4th November 1925.)

(4) The Governor-General in Council has decided that in the case of officers transferred to foreign service after 28th February 1924, to whom the Fundamental Rules do not apply, the rules regarding contributions, leave salary and pension shall be the same as those applicable to Government servants whose employment on foreign service is governed by the Fundamental Rules. For the purpose of this ruling, a transfer to foreign service includes an extension of the term of employment of an officer who is already on foreign service. (Government of India, Finance Department, Resolution No. 323-C.S.R., dated the 28th February 1924.)

Audit Instructions.—The revised rates of foreign service contributions prescribed in paragraph 2 of Government of India, Finance Department, letter No. 64-E.B., dated the 27th January 1922, apply also to officers who were transferred to foreign service prior to 27th

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January 1922 and the extension of whose service is sanctioned on or after that date, but in such cases they take effect from the date from which the extension commences. (Audit Instruction Circular No. 1, dated 2nd February 1923.)

118. In addition to the contributions prescribed under rule 117, subscribers to any of the following pension funds must pay to Government a contribution equal to one-fourth or one-sixth of the premium paid to the fund :—

- (a) Bengal Uncovenanted Service Family Pension Fund
—One-fourth.
- (b) Bombay Uncovenanted Service Family Pension Fund—
 - (i) Subscribers who joined the fund on or before the 12th November 1900—One-fourth.
 - (ii) Those who joined after that date—One-sixth.
- (c) Bengal and Madras Service Family Pension Fund—
One-sixth.

119. Subject to any general orders of the Governor-General in Council, a local Government sanctioning a transfer to foreign service may—

- (a) remit the contributions due in any specified case or class of cases; and
- (b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

The Government of India do not propose to issue any order under rule 119 (a). (Government of India, Finance Department, No. 1360-E.B., dated the 10th December 1921.)

S. R. 300. The local Government may remit contribution for any period for which a Government servant in foreign service is temporarily employed under Government on duties additional to or distinct from his duties in foreign service.

S. R. 310. The following Government servant is exempted from the payment of contribution for leave salary and pension:—Chairman, Calcutta Improvement Trust.

S. R. 311. If a contribution for leave salary or pension, which is due from a Government servant in foreign service, is not paid within fifteen days from the end of the month in which the pay on which it is based has been drawn by the Government servant concerned, he must pay to Government, unless specially exempted by the Governor in Council, interest on the unpaid contribution, at the rate of 4 pies a day per Ra. 100 upon the amount due, from the date

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of expiry of the period of fifteen days up to the date on which the contribution is finally paid.

120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained.

121. A Government servant transferred to foreign service may not, without the sanction of the local Government, accept a pension or gratuity from his foreign employer in respect of such service.

122. A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave salary from Government unless he actually quits duty and goes on leave.

S. R. 312. A Government servant in foreign service in India is personally responsible for the observance of the rule regarding taking of leave and receiving leave salary as contained in this Fundamental Rule. If he accepts leave to which he is not entitled under this rule, he renders himself liable to refund leave salary irregularly drawn, and in the event of his refusing to refund, to forfeit his previous service under Government and to cease to have any claim on Government in respect of either pension or leave salary.

123. A Government servant in foreign service out of India may, unless special arrangements as to leave have been made on his behalf by the authority sanctioning his transfer, be granted leave by his employer on such conditions as the employer may determine. The leave salary on such leave will be paid by the employer, and the leave will not be debited against the Government servant's leave account.

124. A Government servant in foreign service, if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds a lien and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

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125. A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service; provided that, if he takes leave on the conclusion of foreign service before joining his post, his reversion shall take effect from such date as the local Government on whose establishment he is borne may decide.

S. R. 313. If a Government servant proceeds on leave from his foreign service appointment, he shall not ordinarily be considered to revert to Government service, unless and until he rejoins his post in British service.

126. When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contributions will be discontinued, with effect from the date of reversion.

S. R. 314. The travelling allowance of a Government servant both when proceeding on transfer to foreign service, and when reverting to duty under Government shall be borne by the foreign employer.

127. When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules:—

- (a) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.
- (b) The cost of the service shall include contributions at such rates as may be laid down under rule 117, and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.
- (c) A local Government may reduce the amount of recoveries or may entirely forego them.

SERVICE UNDER LOCAL FUNDS.

Chapter XIII—Service under Local Funds.

128. Government servants paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI of these rules.

Audit Instructions.—Employees of local funds administered by Government who are not paid from general revenues and are, therefore, not Government servants are subject to the provisions of Chapters I to XI of the Fundamental Rules. (Audit Instruction Circular No. 14, dated the 15th April 1924.)

129. The transfer of Government servants to service under local funds which are not administered by Government will be regulated by the rules in Chapter XII.

130. Persons transferred to Government service from a local fund which is not administered by Government will be treated as joining a first post under Government, and their previous service will not count as duty performed. A local Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

The Schedule.

(F. R. 78A.)

Provisions for the Determination of Domicile.

1. A person can only have one domicile.
2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.
3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.
4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.
5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.
 (2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

Explanation 1.—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's Civil or Military Service or in the exercise of any profession or calling.

The Schedule.

Explanation 2.—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any Ambassador, Consul or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin:

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband:

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person. (Government of India, Finance Department, No. 1455-C.S.R., dated the 18th August 1923.)

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APPENDIX No. 1.

Memorandum Explanatory of each Rule in the Fundamental Rules.

CHAPTER I.

Rule 1.—The date on which the rules shall come into force has been fixed as 1st January 1922, in order to give local Governments and the Government of India time to make the necessary supplementary rules.

Rule 2.—The fundamental rules have been made of universal applicability, but, in order to avoid the necessity of reproducing in the Fundamental Rules many special rules, such as the special rules for certain subordinate police services which appear in Chapters XXXIV to XXXVII, local Governments have been given power to make rules replacing any of the Fundamental Rules, provided that the interests of existing members of services are protected and that the new rules so made give no concessions which are not covered either by the Fundamental Rules or by the latest version of the Civil Service Regulations. It has been deemed desirable to insert in this rule what practically amounts to a definition of the term "civil service of the Crown" which is used, but not defined, in section 96B of the Act.

Rule 3.—This covers the principle underlying articles 1 (c) and 2 of the Civil Service Regulations.

Rule 4 requires little explanation. The power of delegation to Chief Commissioners is necessary, in view of their exclusion from the definition of "local Government."

Rule 5.—This rule lays upon the side of the local Government concerned the duty of making rules for any particular service. The Secretary of State desires that His Excellency the Governor should exercise his authority to secure uniformity where this is desirable.

Rule 5A.—This gives local Governments power to relax the provision of rules or orders made by them.

Rule 6.—This takes the place of the various provisions for delegation which are at present scattered throughout the Civil Service Regulations. The powers which local Governments will not be permitted to delegate are enumerated below—

- (i) All rule-making powers.
- (ii) Power of delegation itself.
- (iii) Power of treating as duty certain periods of training, etc.
- (iv) Power of waiving, in the case of particular services, the condition that no enhanced pay should be drawn on account of an acting appointment unless change of duties is involved.
- (v) Power of granting compensatory allowances.
- (vi) Powers in connection with the rent of residences supplied to officers.

- (vii) Power of granting special disability leave.
- (viii) Power of remitting contributions in the case of foreign service.
- (ix) Power of sanctioning the acceptance, by a Government servant in foreign service, of a pension or gratuity from his foreign employer.

Rule 7.—This rule is obviously necessary and needs no explanation.

Rule 8.—This is the only part of article 4 of the Civil Service Regulations which it seems necessary to reproduce in the Fundamental Rules.

CHAPTER II.

Rule 9 (1).—This definition calls for no comment.

Rule 9 (2).—“Average pay,” which replaces the old term “average salary,” is defined as the average of the last twelve months, instead of, as previously, the average of the past three years. The change is necessary by reason of the fact that all leave salary in future will be calculated on the basis of average pay.

Privilege leave vanishes under the Fundamental Rules and is replaced by leave on average pay. If three years’ average pay were retained as the basis of calculation, Government servants, and in particular those on a time-scale of pay, would lose very heavily during the first portion of each period of leave. With a twelve months’ average it has been calculated that they will gain while on “furlough” at least as much as they will lose while on “privilege leave.” The note under this rule is intended to obviate the necessity of reproducing in the Fundamental Rules the provisions of article 670. [The existing clause (a) was introduced by Government of India, Finance Department, No. F. 202-C. S. R.—27, dated 17th June 1927.]

Rule 9 (3).—The definition of “Barrister” is reproduced with slight changes from article 17 of the Civil Service Regulations.

Rule 9 (4).—The definition of “cadre” is new, having become necessary for the purposes of rules 13 to 15, 27 and 30, among others.

Rule 9 (5).—The treatment given to allowances in the Fundamental Rules involves a considerable departure from the principles followed in the Civil Service Regulations. A number of classes of allowances have now been included in pay proper. Among these are acting allowances, personal allowances, duty allowances (which become “special pay”) and those local allowances which are given because of the unhealthiness of the locality in which an officer works. The balance of the local allowances has been included with travelling and certain other allowances in the new term “compensatory allowances” which is defined in this clause. Grain compensation allowance is an example of a minor class of compensatory allowance. [Government of India, Finance Department, No. F. 135-C. S. R.—26, dated 2nd August 1926.]

Rule 9 (6).—It has been found impossible to formulate a comprehensive definition of “duty.” The method adopted is to mention in clause (a) of the definition two varieties of service which will invariably count as duty, and to provide in clause (b) for all cases in which other periods of service may be allowed for special reasons so to count.

Sub-clause (i) of clause (a) is taken from articles 202 and 203.

Sub-clause (ii) from article 175.

Sub-clause (i) of the clause (b) provides for the substance of article 68A of the Civil Service Regulations.

Sub-clause (ii) similarly provides for the substance of article 52 (c).

Sub-clause (iii) is intended to take the place of examination leave.

Sub-clause (iv) takes the place of a number of rules scattered through the Civil Service Regulations regarding the dates from which the services of officers recruited in England count for leave and pension. It is considered that the rule in this sub-clause, read with that in sub-clause (i), may suitably be made a general rule.

Rule 9 (7) is reproduced from article 27 of the Civil Service Regulations, with an addition designed to make it clear that, although the revenue and expenditure of company-owned State railways pass through the accounts of Government, service in such a railway is still foreign service.

Rule 9 (8).—This is the definition of article 28 with the omission of the reference to Mysore. The orders applicable to that State are practically obsolete and will in any case apply to pension only.

Rule 9 (9).—The word "honorarium" was not defined in the Civil Service Regulations. It is desirable to include in the Fundamental Rules a definition which will make impossible that inconvenient hybrid a "recurring honorarium."

Rule 9 (10).—The definition of "joining time" in the Civil Service Regulations is not in the definition chapter but in article 175. The definition in that article contains considerably more than is required in a definition. The new definition has accordingly been cut down to the minimum limits, and the other matter contained in article 175 has been transferred to Chapter XI which lays down the general rules regarding joining time.

Rule 9 (11).—This definition has been inserted mainly for drafting purposes.

Rule 9 (12).—The term "leave salary" replaces the old term "leave allowance." In the Fundamental Rules, the word "allowance" is used to denote an *addition* to pay and never a *substitute* for pay. A new term has, therefore, become necessary and a definition of it is required.

Rule 9 (13).—A new and simple definition of "lien" has been included in this chapter and the various provisions governing the retention of a lien, which are at present scattered through the Civil Service Regulations, have been brought together in rules 12, 13, 14 and 15 of the Fundamental Rules.

Rule 9 (14).—The definition of "local fund" is taken from article 83 of the Civil Service Regulations.

Rule 9 (15).—It is not considered desirable to confer the full powers of local Governments on Chief Commissioners, who will, in effect, be spending the revenues of the central Government.

Rule 9 (16).—These definitions have been taken from articles 35(b) and the note below it.

Rule 9 (17).—This definition replaces that of article 36.

Rule 9 (18).—This has been taken from article 18 and has been so reworded as to avoid definition by example.

Rule 9 (19).—The definition of “ officiate ” is new. The second part of the rule is taken from article 86.

Rule 9 (20).—This is a new definition which requires no comment.

Rule 9 (21) (a).—Hitherto, a distinction has been drawn in the Civil Service Regulations between “ pay ” and “ salary ”; the latter term including, in addition to pay proper, all such allowances as were of the nature of pay. This distinction is abolished in the Fundamental Rules. The allowances in question have all been included in pay proper, and the term salary has ceased to exist.

The definition in this rule attempts to divide pay into two classes: that which is attached to a post or to a cadre, and that which is given to an officer on account of his personal qualifications or of other personal considerations.

Rule 9 (21) (b) is extracted from article 40 (a).

Rule 9 (22).—This is a new definition which requires no comment.

Rule 9 (23).—This also is a new definition. Personal allowance, which is now replaced by personal pay, is not defined in the Civil Service Regulations.

Rule 9 (24).—This replaces the definition of “ pay of an appointment ” which is given in the Civil Service Regulations. The word “ post ” has been substituted for “ appointment ” when used in this sense, throughout the Fundamental Rules. In the Civil Service Regulations the word “ appointment ” is used in two different senses. It is hoped that the adoption of the new term “ presumptive pay of a post ” will obviate the existing difficulty of realizing whether the term “ pay of an appointment ” is, in any given case, used in its technical or non-technical sense.

Rule 9 (25).—The definition of “ special pay ” is new. Special pay takes the place of all duty allowances and of that class of local allowance which was granted on account of the unhealthiness of a locality. All duty allowances are now classed as pay. What may be called the personal duty allowance and the duty allowance which, as in the case of many Secretariat offices, was attached to a definite post, become special pay; while deputation (duty) allowance is absorbed in the pay of a temporary post.

Rule 9 (26).—This is reproduced from article 47.

Rule 9 (27).—This is a new definition. “ Subsistence grant ” has taken the place of “ subsistence allowance,” which was not defined anywhere in the Civil Service Regulations. This grant, being given in place of, and not in addition to, pay, cannot be called an “ allowance.”

Rule 9 (28).—This is a new definition which calls for no comment.

Rule 9 (29).—This is a new definition of a recently introduced variety of pay.

It requires no comment.

Rule 9 (30).—This is the definition in article 76A of the Civil Service Regulations, with the usual substitution of the word “ post ” for “ appointment.”

Rule 9 (31).—A definition of time-scale pay has been devised to include this variety of pay, as well as progressive pay, which is dealt with in article 43 of the Civil Service Regulations. The difference

between a progressive rate of pay and a time-scale is a difference of degree only, and the Fundamental Rules use the term "time-scale" alone in this connection.

Rule 9 (32).—"Travelling allowance" has been defined for the purposes of Fundamental Rule 46, read with Fundamental Rule 9 (5), which gives full powers in this connection to local Governments.

CHAPTER III.

Rule 10.—This rule contains the provisions of articles 49 and 50 of the Civil Service Regulations, so reworded as to give full powers to local Governments in connection with medical certificates.

Rule 11.—This reproduces the provisions of article 71 (a) of the Civil Service Regulations. The substance of article 71 (b) has not been reproduced, as this clause of the article describes what are in reality privileges of local bodies, etc.

Rules 12 to 14.—An endeavour has been made to collect in one place all the provisions bearing upon "lien," and so to word them as to bring out a new main principle. The purport of the rules on this subject is intended to be somewhat as follows:—

Every person substantively appointed to Government service must have his own substantive niche in the appropriate cadre. Two officers cannot share one such niche and no officer can claim more than one as a permanent measure. An individual officer may or may not at any given time be performing the duties of his own particular niche, but, if he is not performing them, he retains a lien on the niche and no one else can either hold it or hold a lien on it unless he is likely to be absent from it for so considerable a time that the local Government considers it desirable to suspend his lien and avoid a block of substantive promotion.

The following detailed comments on the three rules as now drafted seem desirable.

Rule 12.—This really introduces a new principle to take the place of that which underlies article 355, which is primarily a pension rule but which is apt to intrude itself into questions quite unconnected with pension. As that article stands, an officer's title to pension is at present derived from the office which he holds. In future it will be simply by "performing duty" that an officer will earn both leave and pension, and it is by his average pay while on duty that the amount of his leave salary and his pension will be decided. It is not required that he should earn either the one or the other by his tenure of a particular office; but it is laid down that every officer must have a substantive niche in the appropriate cadre before he can earn anything at all. Rule 12 read with rule 14 is intended to make this position clear.

Rule 13.—This is taken from article 89 of the Civil Service Regulations. It may at times be administratively convenient to make a provisionally substantive appointment in place of an officer deputed for a long period to other duties. The second part of the rule will permit a provisionally substantive appointment to be made in cases where an acting appointment would be inadmissible.

Rule 14.—

Substantive portion.—The provision for the transfer of lien is taken from article 214 of the Civil Service Regulations, read with the last sentence of the definition of lien in article 31.

Clause (a).—Provision for the retention of a lien during leave is now made in articles 210, 211 and 212 of the Civil Service Regulations. The new rules provide for a substantive lien only, since it is no longer proposed to retain any provision for the retention of a lien on an officiating appointment. The exception in this clause is clearly necessary.

Clause (b).—Provision for a lien during foreign service is now made in article 755 (a) of the Civil Service Regulations. The retention of lien during service in a temporary post or while officiating in another post is a necessary part of the new scheme, as of the present scheme. It is not specially mentioned in the Civil Service Regulations, but its existence is implied in article 89 as well as in the definitions contained in articles 6 and 31.

Clause (c).—The present wording of the definition of "absentee" in article 6 of the Civil Service Regulations shows that an officer on joining time now retains a lien on his post. This must, of course, be reproduced in the new rule, but it is necessary to provide for the situation which arises when the officer on joining time is proceeding from one substantive post to another.

Clause (d).—The present definition of "absentee" in article 6 provides for a lien during suspension. This is clearly necessary, as a substantive appointment could not be made in the case of a suspended officer without raising very awkward questions when the officer was reinstated.

Note.—The note contains the gist of article 598 (b) of the Civil Service Regulations.

Rule 15.—The substance of this rule comes from article 214 of the Civil Service Regulations. That article specifically applies to leave only, but the principle should obviously be of universal application.

Rule 16.—This rule is inserted to obviate the necessity of including in the Fundamental Rules such details as those which are given in articles 556 to 560 of the Civil Service Regulations. Incidentally, it will cover subscriptions to the General Provident Fund, which is not mentioned in the Civil Service Regulations.

Rule 17 (1).—The first part of this rule is taken from rule 52 (a) of the Civil Service Regulations, and the second part is the logical sequel of the first. It seems unnecessary to include in the Fundamental Rules the distinction which the Civil Service Regulations make between the assumption of charge in the forenoon and in the afternoon. A rule of this kind can be more properly issued as an audit instruction.

(2) This lays down the date of commencement of pay of persons recruited overseas.

Rule 18.—This is reproduced from article 198 of the Civil Service Regulations. Here, as elsewhere in the Fundamental Rules, it is unnecessary to specify the powers of the Secretary of State in Council.

CHAPTER IV.

Rule 19.—No provision of this kind is made in the Civil Service Regulations. Section 96B of the Government of India Act requires that the Fundamental Rules shall provide, among other matters, for pay. The real limits of fixation of pay are prescribed, so far as transferred subjects are concerned, in the Audit Resolution which is attached to rules made under section 45A. In the case of Government servants employed in departments dealing with reserved subjects and of officers under the administrative control of the central Government, the Secretary of State will regulate the limits by executive order. For the purposes of the present rules a general reference to these facts seems to be sufficient.

The proviso to the rule forbids the increase of the pay of an individual officer above the limits applicable to the pay of the post which he holds.

Rule 20.—This also is new, although similar powers as regards some of the periods concerned are given in article 68A and elsewhere. It is a natural sequel of the power of treating certain periods as duty which is conferred on local Governments by Fundamental Rule 9 (6) (b). A local Government may not always consider it desirable to allow full pay and allowances during such periods.

Rule 21.—For certain services the Secretary of State in Council has recently introduced new varieties of time-scale, such as those based on total length of service and the Education Department scale which depends on age. He has laid down specific conditions to govern admission to these scales, and the present rule has been introduced to safeguard those conditions.

Rule 22.—This rule replaces the complicated rules in articles 156 to 157A of the Civil Service Regulations. The new rules are far simpler and more easily intelligible than the old, and they will remove the anomalies which arise under the present system.

Rule 23.—This is article 158, with a slight change in wording to make the meaning clear.

Rules 24 and 25.—Rule 24 contains the substance of article 152. The first sentence of rule 24 and the whole of rule 25 are designed to make clear a fact which is not at present specifically stated in the Civil Service Regulations.

Rule 26.—This rule is designed to state in concise form the complete rules governing the accrual of increments in a time-scale.

The fact that time spent on foreign service counts for increments is taken from article 752. [Clauses (b) and (d).—Government of India, Finance Department, No. F. 154-C. S. R.—24, dated 28th January 1925.]

Rule 27.—This rule contains the substance of article 153 (b) with a slight change. The grant of an increment in advance really amounts to an increase in the pay of the Government servant concerned. Power to make such an increase cannot be conceded, unless the authority concerned is empowered to create a post on the increased rate of pay.

Rule 28.—This is article 157B (b) with "grade or post" substituted for "appointment."

Rule 29.—This is article 154 with a slight change in wording.

Rule 30 (1).—This embodies one of the two main principles on which the new rules governing acting appointments are based. No enhanced pay should be drawn on account of such an appointment, unless it involves the assumption of duties or responsibilities of a greater importance and of a different character. The exception under the rule is designed to protect, until their next reorganization, certain establishments in which grade to grade promotions are at present the rule.

(2) This lays down the circumstances in which a Government servant is considered to have taken up work of greater responsibility or of a different character. [Government of India, Finance Department, No. F. 279-C. S. R.—26, dated 14th February 1927.]

Rule 31.—This embodies the second main principle of the new rules, that an officiating Government servant should ordinarily draw the pay of the post in which he officiates. It is of course limited by the provisions of rule 30 and susceptible of modification by the application of rule 35.

Rule 32.—A comparatively simple rule has been evolved, under the two main principles, to replace the complicated set of regulations in article 155. It calls for no explanation. The note under the rule is a logical sequel of the local Government's power to create posts.

Rule 33.—This is, on the face of it, a new rule, but the principle which it embodies, is really contained in rule 3 under article 39 of the Civil Service Regulations.

Rule 34.—This contains the substance of the note under article 109 of the Civil Service Regulations.

Rule 35.—The inclusion of this rule makes it possible to dispense with charge allowances and the system of holding charge, for which provision is now made in articles 94 and 95. It also obviates the necessity of reproducing in the Fundamental Rules a number of special rules, such as those in articles 139, 139A, and 142 to 143A, fixing definite rates of allowance for definite acting incumbents. Local Governments, under this rule, will be able to issue the necessary orders. There may be other cases also in which they will wish to give less than the full pay; particularly those of Government servants without substantive posts and cases in which they exercise the powers conferred by the exception under rule 30.

Rule 36.—This covers the rules under article 86, and slightly extends the powers therein given to local Governments.

Rule 37 contains the substance of article 61.

Rule 38 contains the substance of article 542, reworded to suit the new conditions.

Rules 39 and 40.—These replace the very complicated rules in articles 76B and 76C, which are constantly giving rise to hard cases and references to the Government of India. It is proposed to leave to local Governments the fixation of the pay of temporary posts, subject to the ordinary *maxima* and to certain general principles, and to allow officers holding them to draw the full pay fixed.

Rule 41.—Cancelled.

Rule 42.—

Clause (a) contains the relevant part of articles 191 and 193 (e).

Clause (b) contains the substance of article 187, with an extension of the principle of that article to all Government servants recruited in the United Kingdom.

Rule 43.—

Clauses (a) and (b).—Articles 108, 187 and 566 now lay down the actual rates. It seems undesirable to stereotype these in the Fundamental Rules and power to fix the rates has, therefore, been left to the Secretary of State in Council.

Clause (c).—This is the substance of article 193 (a), with the omission of the prescription of a minimum for Europeans. In present conditions, no European is ever likely to be employed on less than Rs. 100 a month.

CHAPTER V.

Rule 44.—The exception at the beginning of this rule is intended to cover such cases as those of the sumptuary and contract grants of His Excellency the Viceroy and Governors. Apart from such cases, it is proposed to leave to local Governments, subject to certain general principles, full powers with regard to compensatory allowances other than sumptuary allowances. Provision has been made in Devolution Rule 39 that no such allowances shall be given without previous consultation with the Finance Department.

Rules 45 to 45C.—The rules governing the provision of residences for Government servants are now set forth in very great detail in the Public Works Department Code. The provisions of that Code, which is under revision, will in future not be binding on the transferred side of local Governments, which will deal with practically all provincial roads and buildings. Restrictions upon the financial powers of Ministers in this connection can be contained in rules made under sections 45A and 96B of the Act only, and of the two places it seems more suitable to include them in the present rules. Provision has accordingly been made in Fundamental Rule 45, laying down very general principles to govern the supply of residences and the recovery of rent; and subject to these principles the control of this subject is left entirely to local Governments. It will be noticed that the new general rules do not limit the cost of building with reference to the pay of the probable occupier; and that it will not be essential that an officer supplied with more than one residence shall pay rent for all throughout the year.

Rule 46.—This is taken from article 72 of the Civil Service Regulations, clauses (a) and (b), with the omission of the executive instructions at the end of clause (a). The introduction of a reference to "fees" is necessary, as Government servants are at times permitted to take regular allowances from outside sources. Tuition fees paid to an educational officer are another case in point.

Rule 46A.—This rule empowers the Governor-General in Council to regulate the receipt by medical officers of fees for services other than professional attendance. [Government of India, Finance Department, No. F. 279-C. S. R.—26, dated 14th February 1927.]

Rule 47.—This replaces clauses (c) and (d) of article 72 as well as article 74. Full powers to make honoraria rules are now left to local Governments. [Government of India, Finance Department No. F. 279-C. S. R.—26, dated 14th February 1927.]

Rule 48.—This covers the cases for which provision is now made by articles 71 (c) and 73 of the Civil Service Regulations.

CHAPTER VI.

Rule 49.—This rule replaces article 162 of the Civil Service Regulations. Clauses (a) and (b) of the rule correspond with clauses (i) and (ii) of the article. The proviso in clause (iii) of the article has been omitted, in view of the fact that a local Government can already dispense with it if it desires to do so.

Clause (c) of the rule contains the substance of article 164, with the omission of the reference to duty allowance, which will in future be part of the pay of the post.

CHAPTER VII.

Rules 50 and 51.—These two rules reproduce the substance of articles 85 and 85A as recently revised.

Rule 51(b).—[Government of India, Finance Department, No. F. 202-C. S. R., dated 24th October 1924, and No. F. 283-C. S. R.—26, dated 29th September 1926.]

CHAPTER VIII.

Rule 52.—This is taken from article 192 of the Civil Service Regulations.

Rule 53.—This embodies the substance of articles 191 and 193 (a) of the Civil Service Regulations. The amount of subsistence allowance in the latter article is taken into Fundamental Rule 43 (b).

Rule 54.—The first part of this rule is taken from article 193 (b). The second part is a new addition, which seems necessary in view of the importance attached to "duty" in the Fundamental Rules.

Rule 55 contains as much of article 195 as it is considered necessary to reproduce in the Fundamental Rules.

CHAPTER IX.

Chapter IX contains certain provisions to the age of superannuation which have been extracted from those portions of the Civil Service Regulations which deal with pensions. It seems desirable to lay them down as part of the conditions of service. No mention is made in this chapter of the powers of dismissal to be exercised by various authorities, as rules on this point are included in other rules made under section 96B of the Act.

Rule 56.—

Clauses (a) and (b) contain the real substance of article 459 of the Civil Service Regulations, with the omission of those parts of the article which relate to procedure only.

Clause (c) of the rule—

Sub-clauses (i) and (ii) contain the substance of article 565 (a) and the note under it.

Sub-clause (iii) is taken from article 550.

If there still are any officers to whom the first sentence of that article applies, they can be protected by an audit instruction.

Sub-clauses (iv) and (v) reproduce the substance of articles 649 and 650, with a delegation to local Governments of the power of granting extensions to Chief Engineers, which is now reserved to the Government of India.

Sub-clause (vi).—This is an addition sanctioned by the Secretary of State in 1924. [Government of India, Finance Department, No. F. 131-C. S. R., dated 23rd August 1924.]

Sub-clause (vii).—Item 1 under this sub-clause is taken from the latest orders in the Royal Warrant, which modify article 613 (b) and the exception under article 612.

Item 2 is taken from article 613 (a).

Item 3 is taken from articles 616 and 619 (b).

Item 4 is taken from article 612 (a) read with 613 (c).

References to retirement on attaining to Colonel's allowance have been omitted, as it is understood that this allowance is not in actual practice earned until long after retirement from civil employ.

Note 1 is taken from the note under article 565 (b), but is made applicable to all services and not to the Indian Civil Service only.

Note 2 reproduces the principle contained in articles 565 (b), 612 (b) and the note under article 64.

Rule 57.—Since cancelled.

CHAPTER X.

Note.—The references in this memorandum to articles in the Civil Service Regulations are to the new articles as recently revised.

Rules 58 and 59.—In the new arrangement of the leave rules, the five first and main sections have been made applicable to all Government servants substantively holding permanent posts in civil employ. Special exceptions, and provisions for Government servants rendering service other than permanent and substantive service, have been relegated to Section VI. Rules 58 and 59 state this fact, and the former rule gives an option of remaining under the leave rules to which they are at present subject to all Government servants now in service.

Rule 60.—The earning of leave by duty only is a main principle of the Fundamental Rules, and this is expressed in this rule.

The latter part of the rule provides for the earning of leave by foreign service in India, which is not covered by the definition of "duty."

Rule 61.—The provisions of this rule are taken from the definition in article 35 of the Civil Service Regulations.

Clause (a) reproduces article 35 (a) 1 and 2, with the substance of note 2 under article 622, and *clause (b)*, article 35 (a) 5.

Clause (b), Government of India, Finance Department No. F. 106-C. S. R.—26, dated 6th July 1926.

Rule 62 is taken from article 35 (b).

Rule 63.—This is taken from article 35 (a) 6.

Rule 64.—This contains the main portion of article 204, with the addition of the concession given by articles 544 and 545, which has been extended in this case, on the analogy of the statutory rules, to officers holding barrister appointments also.

Rule 65.—This reproduces the provisions of article 205 with a modification in the direction of liberality. [Government of India, Finance Department, No. F. 404-B. I.—27, dated 27th July 1928.]

Rule 66.—Article 841, which appears in the procedure portion of the Civil Service Regulations, is the existing authority for the grant of all leave. Such a provision is clearly necessary in the Fundamental

Rules, and a rule-making power seems preferable to a general power of delegation.

It is considered desirable not to allow local Governments to delegate power to grant special disability leave. Rule 83 has accordingly been so worded as to give the power to local Governments only, and rule 6 forbids local Governments to delegate this power.

Rule 67.—This reproduces the principle of article 197 (a) with some changes in wording.

Rule 68.—This contains the relevant part of articles 220 and 221, the minor details treated in those articles being left to local Governments to regulate by rule.

Rule 69.—This contains the substance of article 200, with the extension to all classes of officers of a concession which is restricted in the article to non-gazetted officers only. Slight changes in wording have been made.

Rule 70.—This contains the substance of article 199, but the following provisions of that article are omitted:—

(1) *The reference to the concession given by article 233 (iv).*—

This reference would be meaningless in the Fundamental Rules, as combined leave no longer exists as such. Moreover, though this point seems to have escaped notice in drafting the new Chapter XI of the Civil Service Regulations, clause (iv) has dropped out of the new article 233.

(2) Clause (a) also has been omitted, as it becomes of little importance with the abolition of the requirement of intervals between periods of leave.

Rule 71.—This reproduces a condition in rule 1 under article 197 (c), which occurs in other articles also of the Civil Service Regulations. It seems advisable to make it a general rule.

Rule 72.—This contains the principle of article 223. A Government servant returning without permission will, as a result of this rule, be required to remain on leave in India.

Rule 73.—This reproduces article 229, with the substitution for loss of lien of liability to transfer of lien. Wilful overstaying of leave can thus be punished by degradation.

Rule 74 empowers local Governments to make the various rules as to procedure which occur throughout the leave chapters of the Civil Service Regulations and particularly in Chapters XLIII to XLVI. Power is reserved to the Auditor-General to enforce uniformity where this is desirable.

Rule 75.—This rule regulates the condition under which the Special or the Ordinary Leave Rules should apply.

The terms "special" and "ordinary" rules have been substituted for the former titles which suggested racial discrimination.

Rules 75A to 75C.—These rules are later additions. [Government of India, Finance Department, No. F. 435-R. I.—27, dated 9th January 1928.]

Rule 76.—A new rule, which explains a prominent feature of the new regulations.

Rule 77.—

Clause (a).—The fractions of 5-22nds and 2-11ths are calculated on the same basis as at present, as follows:—

(1) *For Government servants under the special leave rules.*—

By 11 months of what will in future be called duty an officer at present earns 1 month of privilege leave. Having taken that month, he has done 12 months' active service and has, therefore, earned 3 months' furlough, which, in terms of leave on average pay, represents $\frac{1}{2}$ months' leave. He thus earns, by 11 months of duty $1 \text{ plus } \frac{1}{2} \text{ months' leave, i.e., } 2\frac{1}{2} \text{ months' leave. } \frac{2\frac{1}{2}}{11} = \frac{5}{22}$ the fraction adopted.

(2) *For Government servants under the ordinary leave rules.*—

Eleven months' duty similarly earns 1 month's privilege leave; but 12 months' active service earns 2 months' furlough only, or in terms of leave on average pay, 1 month's leave. Therefore, in this case 11 months' duty earns 2 months' leave and the fraction is 2-11ths.

Clause (b) is so drafted as to give to a Government servant in the service at the time when these orders come into force, credit for all the leave which is already at his credit, and to allow him to earn leave hereafter at the same rate as new recruits.

Clause (c).—This is a new concession, based on the fact that military officers who have served in India during the war have mostly large arrears of leave at their credit; and that, if they enter civil employ, it would be inequitable to deprive them of this credit of leave.

The note under the rule produces the effect of article 622 (b) and note 1 under it.

Clause (d) is taken from the second part of article 204.

Clause (e).—When the leave rules were recently simplified, it was found necessary to give to Government servants subject to the Indian Service Leave Rules the option of continuing under the rules previously in force. The reason for this was the fact that, under the old rules, a Government servant was able, in case of need, to take 3 years' leave on medical certificate during his first 18 years of service and still to be entitled to 2 years' furlough at the end of that period. A Government servant who had enjoyed this full concession would have lost heavily at the outset by coming under the new rules, since the active service which he had rendered would have amounted to 15 years only, and would have earned no more than $\frac{1}{2}$ or $2\frac{1}{2}$ years' furlough. Thus, instead of having 2 years' furlough at his credit when the new rules came into force, he would have had a debit of 6 months. It was to obviate this hardship that the option was given.

It is considered desirable to dissuade Government servants from accepting the option given by the Fundamental Rules, and rule 77 (e) has been drafted with this object. Under this rule, one-third of the period actually taken on medical certificate will be credited to

the leave account, while, under rule 78 (b), one-half of that period will be debited. The result is a net debit, on account of leave on medical certificate, of one-sixth of the period actually taken; which, as the leave account is kept in terms of leave on average pay, means that the Government servant concerned will start under the new rules with a debit, on account of leave on medical certificate, of one-third of the number of months of such leave actually taken in the past. It should be pointed out at this stage that rule 77 (e) produces no effect upon the total amount of leave which the Government servant may earn during his service. That remains unchanged, as fixed in rule 81 (a) (ii). The only effect of rule 77 (e) is upon the amount which will be entered as already earned when he first comes under the new rules.

It will be found that the new rules give sufficient protection to the Government servants concerned. To take the most unfavourable case of all, that of a Government servant, who has just completed 18 years' service, in the course of which he has taken 3 years' leave on medical certificate, and is now entitled, under the old rules, to 2 years' furlough on half average salary: It will be assumed, for the purpose of argument, that he has taken the full amount of privilege leave admissible, though this produces no effect upon the calculation. If this Government servant is brought under the new rules, the position will be as follows:—

- (1) He has served 18 years, out of which 3 years were spent on medical leave.

The balance of his service is 15 years, of which $\frac{1}{3}$ ths or $1\frac{1}{3}$ years could have been taken as privilege leave.

Assuming that he took this privilege leave, he has performed $13\frac{2}{3}$ years of "duty."

- (2) By $13\frac{2}{3}$ years' duty, he has earned leave, as credited to the leave account, of $2\frac{1}{11}$ ths of $13\frac{2}{3}$ years = $2\frac{1}{3}$ years. Under rule 77 (e) he will be credited in addition with $\frac{1}{3}$ rd of the period spent on medical leave, i.e., $\frac{1}{3}$ rd of 3 years, or 1 year.

Thus, the credit side of his leave account will show a total of $3\frac{1}{3}$ years.

- (3) On the debit side will be shown, under rule 78 (b), $\frac{1}{2}$ of the period spent on medical leave, plus the amount of privilege leave actually taken.

The total debit is thus $1\frac{1}{2}$ plus $1\frac{1}{3}$ years, or $2\frac{2}{3}$ years.

- (4) Thus, the balance at his credit will be $\frac{1}{3}$ th of a year, expressed in terms of leave on average pay, and he will be able to take at once $1\frac{1}{3}$ years on half average pay; as against the 2 years to which he is entitled under the existing rule.

This seems a sufficient balance with which to start him under the new rules. The remaining 6 months are, of course, not lost to him, as he will be able to earn them by subsequent service.

Statutory civil servants have been included under this rule, as their leave rules, as laid down in article 566, are practically identical with the old Indian Service Leave Rules.

Rule 78.—The two main clauses of this rule state the general principle that leave will hereafter be debited in terms of leave on average pay.

Note (i). requires little explanation. No debit is to be made, as the only privilege leave credited is that which is due when the officer comes under the new rules.

Note (ii).—*Clause (1)* of this note also follows as a matter of course.

Clause (2) is reproduced from the note under article 315.

Note (iii) comes from article 204.

Rule 79 contains the principle of existing article 314 (ii).

Rule 80.—This replaces the rules contained in articles 252, 315 and 324.

Rule 81.—

Clause (a).—The total amounts of leave prescribed in this clause represent the amounts now admissible as privilege leave and furlough. The calculations are made as follows:—

(i) *Government servants under the special leave rules.*—One maximum has been taken for all such servants. Article 312 gives 6 months' more furlough to a member of the Indian Civil Service or a military officer subject to civil leave rules than to other persons under the special leave rules. The extra 6 months represent the 6 months of special leave with allowances which could be granted to such officers before the revised article 312 came into force. Provision for this leave is now made in note (2) (ii) under rule 78, which treats it independently of the leave account.

The term of 3 years in the rule represents the existing limit of 6 years' furlough, converted into terms of leave on average pay; and the 1-11th of duty represents existing privilege leave.

(ii) *Government servants under the ordinary leave rules.*—The calculation here is similarly made, the term of $\frac{2}{3}$ years representing the limit of 5 years' furlough in article 322.

Clause (b).—This reproduces the existing rule in article 316A (a), plus an allowance of 1-11th of the period spent on duty to take the place of the present privilege leave.

The proviso under sub-clause (ii) represents the substance of the proposals regarding the commutation of furlough by Government servants, subject to the ordinary leave rules which the Secretary of State has recently accepted.

The note under the rule safeguards the interests of officers who have not yet used their privilege leave accumulated under the special war concession.

Clauses (c) and (d).—These reproduce the provisions of article 301 and the first part of article 302.

The maximum limit of leave is raised to 28 months in order to include 4 months of "privilege leave."

Clause (e).—This is a rewording of the latter part of article 302.

Rule 82.—This reproduces the substance of articles 271 to 278, but leaves power to local Governments to define vacation departments by rule and to say when a Government servant may be considered to have availed himself of a vacation.

Clause (b) covers articles 271, 272 and 274.

Clause (c) covers the latter part of article 271.

Clause (d) embodies the spirit of article 278 (3).

It is not the intention to retain in the Fundamental Rules the restrictions on the combination of leave and vacation which were imposed by article 278, Civil Service Regulations. Such combination is, however, subject to the condition mentioned in clause (d) of this rule. (Audit Instruction Circular No. 21, dated the 5th January 1925.)

Rule 83 contains the substance of the redraft of article 733 which was recently sent out by the Secretary of State and accepted by the Government of India.

Rules 83A and 83B.—These rules are later additions.

Rule 83B (4), Government of India, Finance Department.
No. F. 135-C. S. R.—26, dated 2nd August 1926.

Rule 84.—The conditions of study leave, as contained in the recent redraft of Appendix 32, are too complicated and contain too many administrative details to be reproduced in the Fundamental Rules. Power is accordingly left to the Secretary of State in Council to issue them by executive order.

Rule 85.—

Clause (a) contains the substance of article 306 (a), except that provision for loss of lien is omitted. Under Fundamental Rule 14, a Government servant on leave will always retain a lien on a substantive post.

Clause (b) of this rule is taken from article 232.

Clause (c) comes from note 2 under article 307.

Rule 86 contains the provisions of article 234, with an extension in the direction of liberalisation.

Rule 87.—This leaves it to the Government servant taking leave to elect whether he will take it on average pay, or on half average pay, or partly on one and partly on the other, and removes all necessity for definite provision for combination of ordinary leave.

The proviso to the rule reproduces the substance of article 325 (b).

Rule 87(b), Government of India, Finance Department.
No. F. 143-C. S. R., dated 12th November 1924.

Rule 88.—This replaces article 317. The period of 28 months is a period of actual absence and is not calculated in terms of leave on average pay.

Rule 89.—The maxima given in this rule are taken from articles 316, 316A and 326, which detail the latest rates accepted by the Secretary of State. Some modifications have been made in the rupee figures in order to make them exactly ten times the sterling figures. The abolition of the minimum for the first 4 months of any period of leave is intended to protect Government servants from loss due to the abolition of privilege leave. The maximum period of total leave on average pay prescribed in rule 81 (b) will prevent any serious abuse of this concession.

Note 1 under the rule protects those officers who have not yet made use of the privilege leave accumulated under the special war concession.

Note 2 is necessary in order to make it clear that a Government servant in a vacation department cannot draw average pay without limits for any longer period than represents the privilege leave which he would have earned under the old rule.

Rule 90.—The minima set forth in this rule are taken from articles 316, 319 and 327, with the omission of the limitation of the amount of leave salary to the salary last drawn on duty and to $\frac{1}{3}$ ths and $\frac{1}{6}$ ths of that salary. This is thought to be proper, in view of the fact that average pay will now be calculated on the average of 12 months only. There is no reason why a Government servant should suffer by reason of the reduction of his pay shortly before he proceeds on leave or gain by its temporary enhancement.

Note 1 under the rule reproduces the existing restriction, with the omission of the requirement that leave must be taken on account of ill-health.

Note 2 is taken from article 316 (b).

Note 3 is the note under the same article.

Rule 91.—This replaces the rules which now appear in articles 862 and 868. It has recently so often been found necessary to change the basis of conversion that it seems desirable not to lay down a specific method of conversion in the Fundamental Rules, but to leave it to the Secretary of State to fix rates from time to time.

Rule 92 reproduces an existing restriction.

Rule 93.—This replaces the rules in articles 267 and 268. It permits local Governments, subject to certain restrictions, to make rules governing the drawing of compensatory allowances during the leave which corresponds to privilege leave.

Rule 94 calls for no comment.

Rule 95.—This rule reserves to the Secretary of State the power of making rules regarding the leave admissible to Chaplains. It seems undesirable to reproduce in the Fundamental Rules the detailed rules for Chaplains which now exist. In order to do so, it would be necessary to transcribe in full a very large number of rules relating to privilege leave, furlough, etc., which are now obsolete for other services.

Rule 96.—This reproduces the provisions of article 534, with an addition designed to remove what is now an undoubted hardship.

Rule 97.—This replaces the rules in note 2 under articles 534 and 537, which have been extended to cover the cases of Governors and Chief Commissioners. The first Governors under the new constitutions will, in many cases, be members of the Indian Civil Service; while the pay of at least one Chief Commissioner has recently been raised almost to a level with that of members of a Provincial Executive Council.

Lieutenant-Governors and members of Council are now permitted, in certain circumstances, to take leave preliminary to retirement, and it is considered proper to extend to them the ordinary concessions as limited by Fundamental Rule 86.

The limit of Rs. 4,000 is adopted in order not to penalise Chief Commissioners like those of Delhi and the Andamans, who draw comparatively low pay, and officers who were promoted from those Chief Commissionerships to the offices with which this rule deals.

Rule 98 contains the substance of articles 546 and 548.

Rule 99 provides for the substance of article 654.

Rule 100.—

Clauses (a) and *(b)* of this rule are taken from articles 605 and 606, the second part of clause *(a)* *(i)* coming from article 250 *(b)*, with an addition designed to remove an existing grievance.

Clause (c) is taken from rule 2 under article 232.

Rule 100A.—This is a later addition. [Government of India, Finance Department, No. F. 202-C. S. R.—27, dated 17th June 1927.]

Rule 101 is intended to empower local Governments to make such rules for hospital and maternity leave as are now laid down in Section V of Chapter XII of the Civil Service Regulations, as well as elsewhere.

Rule 102 similarly replaces articles 289 and 290 of the Civil Service Regulations.

Rule 103.—It is intended to give local Governments full powers to regulate the leave to be earned by the varieties of service specified in this rule. The proviso will prevent the grant of any excessive concessions.

Rule 104.—

Clause (a) contains the substance of the rule and notes under article 202 *(a)*.

Clause (b) gives a rule-making power to local Governments.

CHAPTER XI.

NOTE.—The references in this chapter are to the articles of the Civil Service Regulations as recently revised.

Rule 105.—

Clauses (a) and *(c)* are taken from article 175.

Clause (b) (i) is taken from article 182.

Clause (b) (ii) is taken from article 227.

Clause (d), read with rule 106, allows local Governments to lay down the rules which now appear in new article 190A *(b)* and *(c)* and in old Appendix 6A of the Civil Service Regulations.

Rule 106.—This rule leaves it to local Governments to fix all such limits as are now laid down in articles 176 to 180 and 183 and 184 of the Civil Service Regulations.

Rule 107.—

Clause (a) contains the first sentence of article 185. No reference is made to officiating lieu in the new rule, as the Fundamental Rules do not provide for this variety of lieu. Local and tentage allowances also are not mentioned, as local Governments will have full powers regarding compensatory allowances.

Clause (b) (i).—So far as long leave is concerned, the rates allowed by this clause are the same as at present—see article 227 and 190B (a). The new rule omits, however, the stipulation at the end of the latter article, by which a Government servant returning from furlough on average salary gets on joining time half average salary only. The reason for making the provision in article 190B was that under rule leave on average salary is now treated for all purposes, except those of article 408, as equivalent to twice the amount of furlough on half average salary. It was, therefore, considered right that a Government servant returning from such leave should draw on joining time half average salary only. With the change in the leave rules, by which all leave is now calculated in terms of average pay, this interpretation is no longer justified; and there seems to be no reason why a Government servant returning from leave on average pay should not get average pay during his joining time. The new rules have been drafted accordingly.

On return from privilege leave a Government servant gets at present, under articles 182 and 185, the salary of his old or new post, whichever is less. The proposed new rule will give him his average pay of the past 12 months, and is desirable in the interests of uniformity. It will not give the Government servant less than he draws at present, unless it happens to be lower than the pay of both his old and his new post.

The *prviso* to this rule is taken from the existing rule in article 190B (a). The privilege which it concedes dates back to the days of the East India Company.

Note 1 under this rule is reproduced from article 609 of the Civil Service Regulations.

Note 2 contains the substance of article 190.

Rule 108.—This is taken from article 189, with the omission of the reference to loss of lien, which is not contemplated by the Fundamental Rules, and provision, in its place, for transfer of lien as a penalty, in case this is thought necessary.

CHAPTER XII.

Rule 109.—This is taken with some slight changes in wording from article 749A.

Rule 110.—

Clause (a).—This is a new provision, though its spirit is already observed.

Clause (b).—The provision contained in this rule is nowhere definitely set forth in the Civil Service Regulations. It is, however, implied by the wording of article 763.

The note below the clause is repeated from note 3 under that article.

Clause (c).—This is the substance of article 763, the definite restrictions imposed by the article being replaced by a general provision for the issue of subsidiary rules by the Governor-General in Council.

Rule 111.—This is the substance of article 762, slightly reworded to meet the requirements of the Fundamental Rules.

Rule 112 is taken from article 761 (c).

Rule 113.—This rule embodies, in rather more general terms, the provisions of article 762 and article 755 (a).

Rule 114.—The first part of this rule is taken from the first part of article 758. The second part of the rule replaces articles 763 and 764, the definite restrictions prescribed in those articles being replaced by a general rule-making power reserved to the Governor-General in Council.

Rule 115.—This replaces article 765. The only change in substance is the provision that contributions will not be payable during leave. The new rates of contribution, which are now being calculated, will be worked out on this principle.

Rule 116.—Some change has been made from the provisions of articles 766 and 767 in that contributions will in future be calculated on the pay actually drawn in foreign service, excluding that part of it which represents contributions. This is the principle on which the rates of contribution are being recalculated, and it gets rid of that inconvenient invention "assumed pay."

Rule 117.—This rule takes the place of the detailed statement of the rates of contributions now incorporated in the Civil Service Regulations. It was thought better to draft in the form adopted, because, firstly, this will render it easier to make any necessary changes in the rules hereafter and, secondly, the revised rates are still being calculated, and it is likely to be some time before a decision is reached concerning them.

Rule 118 is reproduced from article 771.

Rule 119.—

Clause (a) of this rule replaces article 772, the general powers reserved to the Governor-General in Council taking the place of the specific restrictions in that article.

Clause (b) is intended to cover that part of article 776 which deals with questions of substance as opposed to procedure.

Rule 120.—This is article 753 with slight changes in wording.

Rule 121 contains the substance of article 754, with the concession to local Governments of a power previously reserved to the Government of India.

Rule 122 is intended to cover the substance of article 777 and the first part of article 778.

Rule 123 is article 781, with the omission of rules of procedure and some slight changes in wording.

Rule 124 is article 757 with slight verbal changes.

Rule 125 is article 755 (b). With a view to removing existing difficulties, the specific rules in the second and third paragraphs of that clause have been replaced by a general provision allowing the local Government on whose establishment the foreign servant is borne to decide the date of reversion.

Rule 126 contains the second part of article 758.

Rule 127.—This is article 783, with the one material change that full power is given to local Governments to reduce or remit contributions.

CHAPTER XIII.

Rules 128 to 130.—These are simple rules designed to replace such of the regulations in Chapter XLII of the Civil Service Regulations as do not deal with pensions. There is still a small number of local funds which are administered by Government. The Fundamental Rules treat the *employés* of such funds as Government servants proper. The *employés* of local funds which are not administered by Government are not Government servants, and the Fundamental Rules, therefore, make no mention of them.

Rule 130 will enable local Governments, if they so desire, to make provision as in articles 797 and 799 of the Civil Service Regulations.

APPENDIX No. 2

Memorandum explanatory of the treatment accorded in the Fundamental Rules to each Article in the Civil Service Regulations.

CHAPTER I.

Article 1.—It is considered unnecessary to reproduce clause (a). Separate rules regarding recruitment, etc., have been made under section 96B of the Act.

Clause (b) does not require reproduction. The Fundamental Rules, within the scope explained by rule 2 of those rules, are intended to replace all existing orders.

Clause (c) is covered by Fundamental Rule 3.

Article 2 is covered by Fundamental Rule 3.

Article 3 has been omitted from the Fundamental Rules, as the regulations regarding travelling allowance also have been omitted. The control of travelling allowance is left to local Governments by Fundamental Rule 44.

Article 4.—The power of interpreting the Fundamental Rules is reserved to the Governor-General in Council by Fundamental Rule 8. The power of changing them must, in view of their statutory character, be exercised by the Secretary of State in Council. This fact does not require statement in the rules.

The provisions of the second sub-paragraph of article 4 have been omitted. The Fundamental Rules will regulate all such matters in future.

CHAPTER II.

Article 5.—This is reproduced in Fundamental Rule 9.

Article 6.—This article has been omitted, as the term "absentee" is not used in the Fundamental Rules.

Article 7.—This has been omitted, as the term "Accountant-General" is not employed in the Fundamental Rules.

Articles 8 to 12.—These articles have been omitted, since the Fundamental Rules make no mention of "active service." That term was employed in the Civil Service Regulations for the purposes of counting service for leave and pension. The Fundamental Rules adopt as the basis of service for leave the periods spent on duty, and the same course will probably be adopted in the pension rules. It may be mentioned, however, that the bulk of the concessions in article 8 reappear in the Fundamental Rules, since joining time (which has now replaced subsidiary leave), examination leave and time spent on the voyage to India by a Government servant recalled from leave will all count as duty. Article 9 (ii), as interpreted by article 551, reappears in Fundamental Rule 9 (6) (b) (iv).

Article 13.—This has been omitted, as the Fundamental Rules make no provision for travelling allowance, which will be left to local Governments to control.

Article 14.—This definition also has been omitted. It is considered that it can properly be covered by audit instructions.

Article 15.—This has been omitted, as the term " Audit Officer " does not occur in the Fundamental Rules.

Article 16.—The term " salary " is not employed in the Fundamental Rules. It is replaced by " pay " throughout. " Average pay " has been defined in rule 9 (2) as the average monthly pay drawn during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay. The change for 3 years to 1 year is necessitated by the fact that all leave salary in future will be calculated on the basis of average pay. Privilege leave vanishes under the Fundamental Rules and is replaced by leave on average pay. If 3 years' average pay were retained, Government servants, and in particular those on a time-scale of pay, would lose very heavily during the first portion of each period of leave. With 12 months' average it has been calculated that they would gain while on " furlough " more than they would lose while on " privilege leave."

For pension purposes it will probably be necessary to retain the 3 years' average. If so, provision will be made for this by a special definition in the pension rules.

Notes 1 and 3 to the article drop out, since privilege leave will cease to exist, and leave salary will not be " pay " for the purposes of the definition.

Note 2 reappears in the first and *note 4* reappears in the second proviso to Fundamental Rule 9 (2).

Article 17.—This has been reproduced with slight verbal changes in rule 9 (3).

Article 18.—The substance of this article has been reproduced in rule 9 (18), which has been so worded as to avoid definition by example.

Articles 19 and 20.—These articles are included for the purpose of travelling allowance rules only, and they have therefore been omitted from the Fundamental Rules.

Article 21.—It is considered unnecessary to define " consolidated pay." The term is used in connection with military officers only and it is defined in military regulations.

Article 22.—This definition has been omitted, as the terms " continuous service " and " continuous active service " are not used in the Fundamental Rules.

Article 23.—This article has been omitted, as it applies to travelling allowance rules.

Articles 23A and 23B.—These articles have been omitted from the Fundamental Rules, which contemplate that there will be no deputations in India and that cases which at present fall under the rules regarding deputations will in future be met by the creation of temporary posts. Deputations outside India will be covered by special rules to be framed by the Secretary of State (see Chapter VII of the Fundamental Rules) and will carry no deputation allowances as such.

Article 23C.—Duty allowance is abolished in the Fundamental Rules. All such additions to pay will in future rank as pay proper and will be covered by the definition of " special pay."

Article 24.—No definition of "extraordinary leave" is inserted in this chapter of the Fundamental Rules, but the nature of such leave is fully explained in rule 85.

Article 25.—This has been omitted, as it is applicable to travelling allowance rules only.

Article 26.—This has been omitted, as the term "first appointment" is not used in the Fundamental Rules.

Article 27.—This has been reproduced, with a small addition, in rule 9 (7).

Article 28.—The relevant portion of this article has been reproduced in rule 9 (8). The reference to Mysore has been omitted, as the orders applicable to that State are practically obsolete and will apply in any case to pension only.

Article 29.—This very clumsy definition has not been reproduced in the Fundamental Rules. All that is necessary for the purpose of these rules has been included in the note under rule 30.

Article 29A.—The term "Heads of Departments" is not used in the Fundamental Rules. Provision for powers of delegation has been made in rule 6.

Article 29B.—This has been omitted, as the term "Imperial Branch or Service" is not used in the Fundamental Rules. Rules for the classification of services into all-India, provincial and subordinate have already been separately made under section 96B of the Act.

Article 30.—It seems unnecessary to define the term "Indian Civil Service," as its meaning is well known.

Article 31.—The existing definition of "lien" is of little practical use. It has accordingly been reworded more simply in rule 9 (13), and the various provisions governing the retention of a lien, which are at present scattered through the Civil Service Regulations, have been brought together in rules 12, 13 and 14.

Article 32.—The term local allowance is not used in the Fundamental Rules. The allowances formerly classed as "local" have been divided into two classes, one of which has become pay and the other compensatory allowances.

Article 33.—The substance of this article has been reproduced in rule 9 (14).

Article 34.—This has been replaced by a new definition, which excludes Chief Commissioners from the local Governments to which full powers are given, but in other respects leave the definition in the Act to apply.

Article 35.—The portion of this article which is really of the nature of a definition has been reproduced in rule 9 (16).

The terms on which a military officer becomes subject to the civil leave rules have now been more properly shown in the leave chapter in rules 61 and 62.

Article 36.—This definition has been reproduced, with changes in wording tending to simplification, in rule 9 (17).

Article 37.—This definition has been omitted, as the term "native of India" is not used in the Fundamental Rules except in the definition of statutory civil servant, a class which will be extinct in a few years.

Article 38.—The definitions in this article have been replaced by definitions of "pay" and "substantive pay" in the Fundamental Rules, which do not use the word "salary." A number of additions to pay which have hitherto been classed as allowances are now included under pay, being in essence of the same nature as pay. Acting allowances, duty allowances, certain varieties of local allowances, and personal allowances all come under this head.

Clause (b) of the article becomes unnecessary, in view of the new system of calculating leave salary.

With the abolition of salary, the reproduction of *clause (c)* becomes unnecessary.

Of the rules under this article, rule 1 becomes unnecessary as personal allowances have under the Fundamental Rules become personal pay and as such are part of pay.

Rule 2 also is unnecessary, as such allowances, which are now of the nature of duty allowances, will become a part of pay.

Rule 3 becomes unnecessary, in view of the abolition of salary.

Rules 4 and 5 are unnecessary. The allowances in question will become a part of pay under the new definition.

Rule 6 has been omitted, since deputation (duty) allowances cease to exist and all other duty allowances become pay.

Article 39.—This article is replaced in the Fundamental Rules by the definition of "Presumptive pay of a post" in rule 9 (24). The use of this new term will greatly simplify many of the relevant rules.

Of the rules under this article, rules 1 and 2 have been omitted, as it is considered that they can more suitably be issued as an audit instruction.

Rules 3 and 4 have been replaced by rule 33 and the notes under rules 31 and 32. When the conditions of these rules are not fulfilled, the pay of the officiating Government servant will follow the ordinary rules.

Article 40.—*Of clause (a)* of this article the only part requiring reproduction is that relating to the pay of a military officer and this has been reproduced in rule 9 (21) (b).

Clause (b) is unnecessary for the purposes of the Fundamental rules, which do not speak of the "pay of an officer."

Article 41.—This definition is unnecessary and has, therefore, been omitted. The Fundamental Rules do not deal with pensions.

Article 42.—This definition has been omitted, as the term "Port Officer" is not used in the Fundamental Rules.

Article 43.—The substance of this article has been embodied in rule 9 (31). Time-scale also has been brought within the scope of the definition, the existing difference between a progressive rate of pay and a time-scale being a difference of degree only. The Fundamental Rules employ the term "time-scale" alone in this connection.

Articles 44, 44-A, 44-B and 45.—These definitions have been omitted, as the terms "public conveyance," "rate of exchange, etc.,," "remuneration" and "rule of proportions" do not require definition in the Fundamental Rules.

Article 46.—This definition has been omitted. The term "staff salary" is used in connection with military officers only and in this connection it is defined in military regulations.

Article 47.—This definition has been repeated in Fundamental Rule 9 (26).

Article 48.—This has been omitted, as no definition of the term "Warrant Officer" seems necessary.

CHAPTER III.

Articles 49 and 50.—The substance of these articles has been reproduced in rule 10 of the Fundamental Rules with the modification that full power is given to local Governments in the matter of medical certificates.

Article 51.—The rules in this article have been left to local Governments to lay down, in so far as they are not covered by the rules of recruitment laid down in other rules made under section 96B of the Act.

Article 52.—

Clause (a).—The main part of this clause has been reproduced in Fundamental Rule 17. The rule as to transfer before and after noon has been left for issue as an audit instruction.

Clause (b).—As the new rule governing the pay of officiating Government servants will permit an officiating Government servant to draw pay equal to the full pay of the post in which he officiates, this rule becomes unnecessary. The latter part of Fundamental Rule 31 provides for cases in which the pay of the officiator's substantive post exceeds that of the post in which he officiates.

Clause (c).—Provision for this has been made in the definition of duty in Fundamental Rule 9 (6) (b) (ii).

Articles 53 to 59.—These provisions are not of sufficient importance to justify inclusion in the Fundamental Rules. They have been left to be laid down by local Governments.

Article 60.—This article loses all its force, in view of the new rules regulating leave salary. It has, therefore, been omitted.

Article 61.—This has been taken to the Pay Chapter of the Fundamental Rules, and appears as Fundamental Rule 37.

Article 62.—This becomes unnecessary, as duty allowance and one class of local allowance now become pay. Full powers with regard to compensatory allowances are left to local Governments.

Article 63.—This also has been omitted, in view of the reorganisation of the all-India services and the specific provision which has now been made for the pay and allowances of Indians serving in them.

Articles 64 and 65.—These have been omitted, and local Governments have been left full powers to make advances in India.

Article 66.—It seems unnecessary to lay this down as a Fundamental Rule. The Secretary of State, who gives the advances, will naturally prescribe the terms of recovery.

Articles 67 and 68.—These have been omitted as being rules of procedure. The important part of them will be covered by the regulations which the Governor-General in Council will make to cover the issue of monies from treasuries.

Article 68A.—Under the definition of duty in rule 9 (6) (b), a local Government can treat an officer undergoing a course of training or instruction as on duty; while Fundamental Rule 20 authorises it to vary his pay and allowances in such a case. Nothing further seems to be necessary.

CHAPTER IV.

Article 69.—This article is out of place in the Fundamental Rules. The requisite provision has been made in the audit resolutions, which limit the pay of a post created by authorities in India.

Article 70.—Already cancelled.

Article 71.—Clause (a) of this article has been taken into the General Chapter of the Fundamental Rules and appears there as rule 11.

Clause (b) has been omitted. It really describes privileges of certain local bodies and not conditions of Government service.

Clause (c) has been provided for in rule 48.

Article 72.—

Clauses (a) and (b).—The substance of these clauses has been included in Fundamental Rule 46, with the omission of the administrative instructions which appear at the end of clause (a).

Clauses (c) and (d) will be covered by the general powers given to local Governments in rule 47.

Clause (e) is now unnecessary. A "recurring honorarium" has ceased to exist—*vide* the definition in rule 9 (9).

Article 73.—The substance of this has been included in rule 48.

Article 74.—The matter included in this article will be covered by the general rules which local Governments will make under rule 47.

Articles 75 and 76 have already been cancelled.

Articles 76A.—This definition has been transferred to the Definition Chapter of the Fundamental Rules, where it appears as rule 9 (30).

Articles 76B and 76C.—Rules 39, 40 and 41 of the Fundamental Rules give power to local Governments to fix the pay of temporary posts on certain general principles, and lay down the rule that an officer appointed to a temporary post should draw the full pay of that post. This will do away with a number of existing anomalies and remove a constant source of hard cases.

Articles 77 to 81.—Deputation inside India is not contemplated by the Fundamental Rules. It is considered that all cases in which such deputation is now made can properly be met by the creation of temporary posts.

Article 82.—The rule in this article is left to local Governments to prescribe, seeing that they will have full power in respect of travelling allowances.

Article 83.—There will be, at the most, one Lieutenant-Governor under the new constitutions, and it seems unnecessary therefore to retain these rules in the Fundamental Rules. The fixation of pay will be subject to the ordinary restrictions and to any special restrictions which the Secretary of State may impose.

Article 84.—The allowances contemplated by this article can be given as "special pay" or as part of the pay of temporary posts by the local Governments under their new powers, and they need not be specified here.

Articles 85 and 85A.—These have been replaced by rules 50 and 51, which reproduce the latest orders of the Secretary of State.

CHAPTER V.

Article 86.—Acting allowance has been abolished in the Fundamental Rules, under which an acting Government servant draws as pay the pay of the post in which he officiates, unless his pay is specially reduced by the local Government. The rules under this article are reproduced as rule 36 of the Fundamental Rules.

Article 87.—Substantive *pro tempore* appointments do not find a place in the Fundamental Rules—see note on articles 90 to 93 below.

Article 88.—Appointments to be "in charge" also are abolished. The cases in which they are now made can be met either by the grant of special pay or by reduction of the pay of an officiating Government servant under Fundamental Rule 35.

Article 89.—This has been replaced by Fundamental Rule 13, which provides, in addition, for a provisionally substantive appointment to a selection grade.

Articles 90 to 93.—Substantive *pro tempore* appointments have been abolished. With the new conception of duty, and the grant to an officiating Government servant of the full pay of the post in which he acts, there is no longer any need for them.

Articles 94 and 95.—See the note on article 88 above.

Articles 96 and 97 become unnecessary, in view of the new principle on which the pay of an officiating Government servant is calculated.

Article 98 contains administrative instructions which should not find a place in the Fundamental Rules.

Articles 99 to 103 have already been cancelled.

CHAPTER VI.

Articles 104 and 105.—These special rules are unnecessary, in view of the new principles on which the pay of an officiating Government servant is to be calculated. These new principles will apply to the services contemplated by article 104, as well as to other services.

Article 106.—Appointments of the kind contemplated by this article will be regulated in future by rule 31.

Article 107.—This article becomes unnecessary, because the new rules would allow such a Government servant to draw the full pay of the post in which he acts, unless the local Government desires to reduce it under rule 35.

Article 108.—The corresponding rule in the Fundamental Rules is rule 43. In view of the undesirability of stereotyping in the Fundamental Rules the present rates of subsistence allowances, power to fix such allowances (or grants, as they, are now called) has been left to the Secretary of State in Council.

Article 109.—As will appear from the following notes, it is unnecessary to retain special rules for military officers.

The note under this article is reproduced in Fundamental Rule 34.

Article 110.—This will be covered by Fundamental Rule 3.

Articles 111 to 113.—There appears to be no reason why the officers concerned should not draw the full consolidated pay of the post in which they act, as in the case of other services.

Articles 114 to 116.—Here also the officers concerned may be allowed to draw the full pay, *plus* staff salary, of the posts in which they act.

Articles 117 and 118.—Here, too, no special rules seem to be necessary for the classes of Government servants concerned.

Clause (b) of article 117 actually contains the general rule adopted in the Fundamental Rules.

Article 119.—*Clause (a) of this article merely forbids grade to grade promotion, and is therefore consistent with the Fundamental Rules.*

Clause (b) will follow from rule 31, read with the definition of presumptive pay of a post.

Article 120.—These officers may follow the ordinary rule, and receive the full pay of the class or post in which they officiate.

Article 121.—When a Government servant without a substantive post officiates in a post, he may be allowed to draw its pay, subject to such reductions as the Governor-General in Council or the local Government may wish to make.

Article 122.—An officer so acting will under the general rule draw the presumptive pay of the post in which he officiates, which means the pay which he himself would draw if he held it substantively. Nothing further seems necessary.

Article 123.—It is unnecessary to reproduce this article in the Fundamental Rules. Under rule 31, the Government servant concerned will draw the presumptive pay of the post, which rule 9 (24) defines as the pay which he would draw if he held the post substantively. *Ex hypothesi*, he could be appointed to hold it substantively on the pay prescribed for the provincial service only. Therefore, the article merely states exactly what the Fundamental Rules state.

Article 124.—Local Governments can regulate such matters under the powers conferred by Fundamental Rule 35. This may be left to them.

Article 125 has already been cancelled.

Article 126.—Charge allowance has been abolished and this article is accordingly omitted.

Articles 127 to 132 have already been cancelled.

Article 133.—It is understood that no officer covered by the rule in clause (a) of this article is still in the service. This article has, therefore, been omitted.

Articles 134 to 137.—The principles laid down in articles 135 and 136 are practically identical with those adopted in the new rules for all-India services generally. For the rest, the Forest Department as a whole may properly come under the new rules.

Article 138.—It seems unnecessary to reproduce this article in the Civil Service Regulations. Of the specific officers which it mentions:—

- (i) The pay of officiating Lieutenant-Governors will be governed by the ordinary rule 31.
- (ii) The pay of temporary Members of Council is fixed by the Government of India Act itself.
- (iii) The acting allowance of Judges of High Courts is prescribed in rules made under section 104 of the Act.
- (iv) So far as ecclesiastical officers are concerned, the acting allowances of Bishops are shortly to be fixed by rules made under another section of the Act; and the only special allowances for Chaplains generally are allowances for holding Archdeacons' posts. These can be prescribed by local Governments, under such guidance as the Governor-General in Council, in connection with this central subject, chooses to give.
- (v) The acting allowance of law officers is stated in the present article 654 to be similar to that of members of the Indian Civil Service. They can, therefore, like the Indian Civil Service, come under the general rule laid down in the Fundamental Rules.

Articles 139 and 139A.—Local Governments can be left to fix these rates under the powers given to them by the Fundamental Rules.

Article 140.—This also may be left to local Governments. The latter part of the article contains the main principle of the Fundamental Rules—that no acting appointments should be made without change of duties.

Article 141.—The cases for which this article provides will be met by the application of rule 31.

Article 142.—This article does not need reproduction, as the concession given by it is identical with the new general rule governing the pay of acting Government servants.

The allowances specified in the notes under the article can be given by local Government under their new powers.

Articles 142A to 143A.—It may be left to local Governments to fix rates of acting pay under the new rules in cases of the kind contemplated by these articles.

Article 144.—This also can be left to local Governments, which already have power in such cases to give to the acting Government servants the full pay of the posts in which they act.

Articles 145 and 146 have already been cancelled.

Articles 147 and 148.—It is considered that these cases also may be left to the operation of the new rules. It has been decided not to retain, in the case of absentees on less than Re. 100, the condition that no extra expense should be caused to Government. If local Governments desire to enforce this, they can always reduce the pay of the acting Government servant under Fundamental Rule 35.

CHAPTER VII.

Article 149.—It seems unnecessary to retain this article in the Fundamental Rules. The fixation of suitable rates of time-scale pay can properly be left to the authorities empowered to fix pay.

Article 150.—This article has been omitted. It is merely a guide to the calculation of the average cost of a post on a time-scale pay and it may be issued as an audit instruction.

Article 151.—This makes a statement which is obviously untrue and it seems unnecessary either to reproduce or reword it in the Fundamental Rules.

Article 152.—The substance of this article has been reproduced in Fundamental Rule 24, full powers of delegation being left to local Governments.

Article 153.—Clause (a) of this article is an administrative instruction and has, therefore, been omitted.

The substance of clause (b) is reproduced in Fundamental Rule 27.

Article 154.—The substance of this article has been reproduced, with a modification in the direction of liberality, in rule 29 of the Fundamental Rules.

Article 155.—This article is replaced by Fundamental Rule 32. A simple rule has been evolved to take the place of the present complicated provisions, and it is hoped that it will obviate the anomalies which now arise.

Articles 156 to 157A.—These have been reworded in rule 22 of the Fundamental Rules, with some change of substance making for simplicity and the removal of present anomalies.

Article 157B.—Clause (a) of this article states a fact which should be sufficiently obvious without inclusion in the Fundamental Rules.

Clause (b) has been reproduced in rule 28.

Article 158 has been reproduced in rule 23.

Article 159.—The substance of this article appears in rule 26. The note under it becomes unnecessary, in view of the new treatment of lien.

Article 160.—It seems unnecessary to state specifically the fact recorded in this article.

Article 160A.—The period in question will be duty, if the local Government so declares, and will necessarily count for increment.

Article 160B.—The concession given by clause (a) of this article has been withdrawn. An audit instruction may, if necessary, state that it is still in force for present incumbents.

Clause (b) has not been reproduced in the Fundamental Rules.

CHAPTER VIII.

Article 161.—This article has been omitted as unnecessary. If two posts can be combined as a permanent measure, the proper course is to abolish one of them and combine their duties in the other.

Article 162.—*Clauses (i) and (ii)* of this article have been reproduced, with a slight change in wording, in rule 49 (a) and (b). The proviso in *clause (iii)* of the article has been omitted. Under rule 35, a local Government may give any officiating Government servant less than the full pay admissible under rule, and that seems sufficient. Under the article as it stands, local Governments can even now dispense with the proviso.

Article 162A.—This has been omitted, as it appears to constitute an unnecessary restriction on the powers of local Governments. When additional work is involved, there seems to be no reason why the local Government should not be permitted to give increased pay, even if the two posts are in the same office.

Article 163 will be covered by the power of local Governments to give an acting officer any pay up to the full pay of the post in which he acts, and by rule 49 (b) of the Fundamental Rules.

Article 164.—The gist of this is reproduced in clause (c) of rule 49. Reference to duty allowance is omitted, as such an allowance attached to a specific post will in future be part of pay.

Articles 165 to 169A have been omitted, in view of the abolition of charge allowances—see note on article 88 above.

Articles 170 to 172A have been omitted. The allowances with which they deal will, in future, be treated as “special pay” sanctioned by the Secretary of State.

Articles 172B and 173 will be covered by the powers of a local Government to give an acting officer any pay up to the full pay of the post in which he acts.

Article 174.—See note on articles 170 to 172A.

Article 174A has been omitted, as the distinction between acting, charge and duty allowances has really been abolished, all becoming part of pay.

CHAPTER IX.

Note.—The references in this chapter are to the revised articles which have recently been published.

Article 175.—A short definition has been taken to the Definition Chapter of the Fundamental Rules and appears as Fundamental Rule 9 (10).

Joining time on change of appointment and return from long leave is included in clauses (a), (b) and (c) of Fundamental Rule 105.

The provision for appointment after unemployment is omitted in the Fundamental Rules, as unemployment is now rarely, if ever, seen.

Minimum joining time is left under the Fundamental Rules for local Governments to fix.

The fact that a Government servant is on duty while on joining time has been taken to rules 9 (6) (a) and 107, which allow all joining time to reckon as duty.

Articles 176 to 178.—The details for which these articles provide have been left to local Governments to regulate by rule under Fundamental Rule 106.

Article 179.—This is purely an audit instruction which should not find a place in the Fundamental Rules.

Articles 180 and 181.—Such details have been left to local Governments to regulate by rule under Fundamental Rule 106.

Article 182.—Privilege and examination leave cease to exist under the Fundamental Rules. Joining time after short leave is covered by Fundamental Rule 105 (b) (i).

Articles 183 and 184.—Both these will be covered by the rule-making powers of local Governments.

Article 185.—This has been rewritten in rule 107 on a simpler principle. No reference is made in the rule to lien on an officiating appointment, which has ceased to exist, or to local or tentage allowance, with regard to which local Governments will have full powers.

The note under this article has been omitted, as it is thought that the concession which it makes may properly be included in the officer's conditions of employment.

Article 186.—This has been replaced by rule 107 (b) (ii). Examination leave has now ceased to exist and privilege leave is replaced by leave on average pay. The pay on joining time of a Government servant returning from such leave will be his average pay for the past 12 months, and he will not lose unless that pay is less than the pay of both his old and his new post.

Article 187.—This is not really connected with joining time. It has been taken to its proper place in rule 42, which deals with subsistence grants, and has been extended to all Government servants recruited in the United Kingdom.

Article 188.—It is intended to allow cases of the kind contemplated by this article to be covered by the general rule 107 (a). Local Governments already have power to sanction in such cases the rates of pay given by that clause.

Article 189.—The substance of this article appears in rule 108, with the omission of the reference to loss of lien. This penalty is very severe and it is believed to be never enforced at present. The Fundamental Rules do not contemplate loss of lien, though lien may be transferred as a punishment.

Article 190.—This has been repeated as note 2 under Fundamental Rule 107.

Article 190A.—Clause (a) has been omitted, in view of the provisions of Fundamental Rule 72, which definitely forbids return from leave more than 14 days before its expiry.

Clauses (b) and (c) are covered by rules 105 (d) and 106.

Article 190B.—Clause (a) is repeated in rule 107 (b) (ii) with one change. The last sentence of the existing clause lays down that a Government servant returning from leave on average salary will get during joining time half average salary only. The reason for making this provision was that under new article 316A (b) leave on average salary is now treated for all purposes, except those of article 408, as

equivalent to twice the amount of furlough on half average salary. It was, therefore, considered right that he should draw on joining time, when returning from such leave, half average salary only. With the change in the leave rules by which all leave will in future be calculated in terms of leave on average pay, this interpretation is no longer justified, and there seems to be no reason why an officer returning from leave on average pay should not get average pay during his joining time. The new rule has been drafted accordingly.

Clause (b) is reproduced in rule 107 (b) (i).

CHAPTER X.

Article 191.—The substance of this article has been reproduced in rule 53.

Article 192.—The necessary portion of this article has been reproduced in rule 52.

Article 193.—*Clause (a)* is taken into rule 53 (b), the amount of subsistence grant allowable being laid down in rule 43 (b). It seems unnecessary to repeat the reference to rations, which can be issued as an administrative order.

Clause (b) is reproduced in rule 54.

Clause (c) and the rule under it have been omitted. The former is an administrative instruction, and the latter is an unnecessary gloss on clause (a).

Article 193A.—The general rules as drafted will apply to temporary as well as to permanent *employés*. The administrative instructions contained in this article need not be reproduced in the Fundamental Rules.

Article 194.—This article has not been reproduced in the Fundamental Rules. It may properly be left to the local Government concerned to suspend an officer in circumstances of this kind.

Article 195.—This is reproduced in rule 55, with the omission of the last sentence. It is considered unnecessary to require a reference to the Secretary of State in a case of this kind.

CHAPTER XI.

Note.—The references to chapters and articles of the leave rules in the Civil Service Regulations are to the new chapters and articles as recently amended.

Article 196.—The special exceptions made by this article are treated as follows in the Fundamental Rules:—

Clause (a) is covered by Fundamental Rules 94 (a) and 96.

Clause (b) is covered by Fundamental Rule 94 (b).

Clause (c) is covered by Fundamental Rule 98.

As to *clause (d)*, see note on article 566.

Clause (e) is replaced by Fundamental Rules 94 (c) and 95.

Clause (f) is replaced by Fundamental Rule 100.

As to *clause (g)*, see note on article 622.

Clause (h) is covered by Fundamental Rule 99.

As to *clause (i)*, see note on articles 661 to 666.

As to *clause (j)*, see note on articles 670 to 677.

Clauses (k) to (n) contain special rules relating to certain subordinate police establishments. If the local Governments desire to retain any of these, they can issue them as special rules under Fundamental Rule 2.

Clause (o) is covered by Fundamental Rule 104 (a) (i).

The rule under the article is replaced by rule 104 (a) (ii) (2).

The note under the article provides for such exceptional circumstances that local Governments may fairly be left to apply for special sanction in cases covered by it.

Article 197.—*Clause (a)* is repeated in Fundamental Rule 67.

Clause (b) as altered and clause (c) contain administrative instructions only and are, therefore, not repeated in the Fundamental Rules.

Article 198.—This has been repeated in Fundamental Rule 18, with the omission of the reference to the powers of the Secretary of State in Council, which do not require statement in the Fundamental Rules.

Article 199.—*Clause (a)* becomes unnecessary in view of the removal of restrictions prescribing intervals between periods of leave.

Clauses (b) and (c) are repeated in Fundamental Rule 70, with the omission of reference to travelling allowance, which will be inserted in rules made under Fundamental Rule 44.

Note 1 under the article is included in the main portion of Fundamental Rule 70.

Note 2 has been omitted in view of the omission of clause (a).

Article 200.—The substance of this has been repeated in Fundamental Rule 69, with the change that the permission of the authority empowered to appoint the officer in question has now been made sufficient sanction in the case of gazetted as well as non-gazetted officers.

Article 200A.—This has been omitted and all service on deputation out of India has been left to count as duty.

Article 201.—Fundamental Rule 103 gives local Governments power to frame rules regulating the leave earned by temporary and officiating service. Nothing more seems necessary.

Article 202.—*Clause (a)* will be replaced by rules made by local Governments under Fundamental Rule 104 (b). Rule 1 under it, with its note, is covered by Fundamental Rule 104 (a).

Note 2 is an administrative instruction and has, therefore, been omitted.

Note 3 also has been omitted, as the appendix to which it refers, if maintained at all, will be maintained for audit convenience and not as a part of the Fundamental Rules.

Clauses (b) and (c) of this article have been omitted. Local Governments will regulate such matters under the rule-making powers conferred on them by rule 104 (b).

Article 203.—The powers left to local Governments under Fundamental Rule 104 (b) will enable them to issue rules providing for the cases contemplated by this article.

Article 203A.—This will be covered by the powers given to local Governments by Fundamental Rule 9 (6) (b) of counting as duty service of the kind with which the article deals.

Article 204.—The first part of this article has been repeated in Fundamental Rule 64. The second part of it has been included in Fundamental Rule 77 (d).

Article 205 has been reproduced in Fundamental Rule 65.

Articles 206 and 207.—It is considered unnecessary to retain these special rules. If ever an outsider is brought in as a Private Secretary, the rules can be made as part of the conditions of his appointment.

Article 208.—The provisions of this article are covered by Fundamental Rule 103, which gives local Governments full powers as regards work remunerated by fees.

Article 209.—This also has been omitted. If a case of the kind contemplated occurs, it can be met by special provisions in the terms of the appointment. Rule 130 gives a local Government discretion in such a case.

Article 210.—Fundamental Rule 14 provides for the retention of a lien on a substantive post. Liens on officiating appointments have ceased to exist.

Articles 211 and 212.—Fundamental Rule 14 allows a lien on a substantive post to all officers on leave of any kind. This is an essential part of the new conception of lien.

Article 213.—The same is the case with lien on joining time.

Article 214.—The fact stated in the first part of the article follows naturally from Fundamental Rule 14. The latter part of the article has been transferred to the General Chapter and appears as Fundamental Rule 15.

Article 215.—Fundamental Rule 59 lays down that the ordinary rules apply to those officers only who hold substantively permanent posts. The regulation of leave to be given to officers holding temporary posts or officiating in permanent posts is left by Fundamental Rule 103 to local Governments.

Note 1 under the article is covered by Fundamental Rule 61 (a) (i).

Note 2 will follow from the ordinary rules if the officers in question are held to be in civil employ.

Articles 216 to 219.—These have been omitted as containing rules of procedure only, which should be included in the supplementary rules made under Fundamental Rule 74.

Articles 220 and 221.—The relevant part of these articles is contained in Fundamental Rule 68. Powers have been given to local Governments to make rules covering the minor details in the articles.

Article 221A.—This is covered by the powers given to local Governments by Fundamental Rules 105 (d) and 106.

Article 222 has been omitted as containing a rule of procedure only. It will be covered by the rules made under Fundamental Rule 74.

Article 223.—*Clause (a)* has been reproduced in Fundamental Rule 72. *Clause (b)* can be met by executive or disciplinary action of the local Government.

Article 224 should be included in the rules made under Fundamental Rule 74.

Article 225 is covered by Fundamental Rule 71.

Article 226.—This is an administrative instruction and need not appear in the Fundamental Rules. It will be included in rules made under rule 74.

Article 227.—The substance of this article has been repeated in the joining time chapter of the Fundamental Rules as rule 105 (b) (ii).

Article 228.—This has been omitted as containing a rule of procedure only. It may be laid down by local Governments under Fundamental Rule 74.

Article 229.—Provision has been made in Fundamental Rule 73 for the loss of leave-salary. The same rule makes provision for transfer of lien. Under the present rules loss of lien is too severe a penalty and is never enforced, while the Fundamental Rules do not contemplate complete loss of lien.

Note 1 under the article becomes unnecessary, as just service cannot now be forfeited.

Note 2 is covered by the power of extending leave given to local Governments by Fundamental Rule 73. This is a logical accompaniment of their power of granting leave.

Article 230.—This has been omitted as unnecessary, in view of the abolition of "loss of appointment."

Article 231.—This has been omitted, as continuous service and continuous active service have no meaning under the Fundamental Rules.

Article 232.—Rules 83 (b) (iv) and 85 (b) provide for the combination with ordinary leave of special disability leave and extraordinary leave respectively. With the abolition of other varieties of leave, the provision in this article relating to combination of leave becomes unnecessary. Fundamental Rule 87 allows an officer to elect whether his leave will be on average or half average pay; Fundamental Rule 73 provides for extension of leave; and rule 85 (b) allows retrospective commutation of leave without allowances into extraordinary leave.

Rule 1 under the article becomes unnecessary, as the rules as they stand do not permit the commutation of extraordinary leave into other leave, while rule 85 (b) allows its combination with ordinary leave. The relevant part of rule 2 appears in Fundamental Rule 100 (iv).

Article 233.—*Clause (a)* is replaced by Fundamental Rule 81 (d).

Clause (b) is repeated in Fundamental Rule 100 (b).

Article 234.—This has been reproduced, in a simplified form, in Fundamental Rule 86.

Articles 235 to 240 have already been cancelled.

CHAPTER XII.

Article 241.—See the note on article 196. The rule under this article can be met by issuing it as a special rule under Fundamental Rule 2.

Article 242.—The subject matter of this article will be covered by the rules which local Governments will frame under Fundamental Rule 103 (a).

Article 243.—This restriction may be imposed by local Governments, if they think it desirable, in rules which they will frame under Fundamental Rule 103 (b).

Article 244.—This can be covered by a rule under Fundamental Rule 103 (a).

Article 245.—This has been omitted, in view of the fact that no pilot vessel now remains at sea for more than a month.

Article 246.—Privilege leave as such has been abolished and its place is taken by leave on average pay, while the concession of full salary on such leave has been replaced by the grant of full average pay for the first 4 months of each period of leave on average pay. The new rule as to the earning of leave provides for the earning of 1 month's leave on average pay for each 11 months of service.

Article 247.—This becomes unnecessary under the new rules and has, therefore, been omitted.

Article 248.—It is unnecessary to state the substance of this article in the Fundamental Rules. It is clear that a newly-appointed Government servant does not perform duty until he takes charge of his office.

Article 249.—Under the Fundamental Rule subsidiary leave has been replaced by joining time, and all joining time counts as duty. This renders unnecessary the first part of the article. The second part has been omitted because in present circumstances unemployment practically never occurs.

Article 250.—The Fundamental Rules lay down (rule 61) that a military officer officiating in civil employ does not become subject to the civil leave rules until he has acted for 3 years. Provision for the privilege leave of an officer who has acted for less than 3 years, and therefore remains subject to military leave rules, is made in Fundamental Rule 100 (a) (i), which repeats the substance of clause (b) of this article.

Article 251.—The limit imposed by the substantive part of this article was included in the calculation the result of which appears in Fundamental Rule 81 (b); with the modification that the right of accumulating privilege leave up to 4 months has, in accordance with recent orders of the Secretary of State, been extended to Government servants under the ordinary leave rules.

As regards the exception, it is considered that any such special rule is unnecessary in the Fundamental Rules. Those rules give officers the full choice of drawing average pay or half average pay on leave. Cases of real hardship can be met by local Governments by the grant of joining time under Fundamental Rule 106, read with 105 (d).

Article 252.—Interruption of duty ceases to exist under the Fundamental Rules, and Fundamental Rule 80 in effect defines leave due as leave earned minus leave taken.

Article 253.—Interruption of duty now produces no effect upon accumulated leave and this article has, therefore, been omitted.

Article 254.—Examination leave has ceased to exist and, unless joining time is extended, absence after the close of joining time will anyhow not count as duty. This article, therefore, becomes unnecessary and has been omitted.

Article 255.—Examination leave will not in future exist, but the period spent in preparing for and undergoing an examination may, under rule 9 (6) (b), be classed by local Governments as duty. Nothing further is necessary.

Article 256.—Interruption of duty means nothing under the Fundamental Rules and this article has, therefore, been omitted.

Articles 257 and 258.—The time spent under suspension is clearly not duty under the definition in rule 9 (6). Interruption of duty has no meaning under the Fundamental Rules. These articles have, therefore, been omitted.

Article 259.—This has been omitted since, under the new definition, no leave amounts to duty, while interruption of duty means nothing.

Article 260.—The grant of all kinds of leave is now covered by Fundamental Rule 81 and special provision for the grant of privilege leave is unnecessary. This article has, therefore, been omitted.

Article 261.—During that portion of leave which will, under the Fundamental Rules, take the place of privilege leave, a Government servant will get his average pay during the past 12 months only, instead of the pay which he was actually earning at the time of taking leave. This may occasionally mean some loss to the Government servant, but the loss will be more than compensated by the gain which will accrue to him from the calculation of "furlough allowances" also on 1 year's average instead of 3.

Article 262 has already been cancelled.

Article 263.—This article is unnecessary in the Fundamental Rules, as the amount of a Government servant's leave salary will no longer depend on the post on which he has a lien. It is an essential feature of the Fundamental Rules that every person who has once been substantively appointed to a permanent post shall, unless his lien is suspended while he is transferred to other duty, retain a lien throughout his service on some substantive post.

Article 264 has already been cancelled.

Article 265.—This also has been omitted, as under the Fundamental Rules the amount of leave salary will not depend upon lien.

Article 266.—This has been omitted in view of the fact that in future all leave salary will be calculated upon past average pay.

Articles 267 and 268.—Fundamental Rule 93 leaves it to local Governments, subject to certain restrictions, to regulate the drawing of local allowances during that part of leave which will in future take the place of privilege leave.

Articles 269 and 270 have already been cancelled.

Article 271.—This is covered by the general rule in Fundamental Rule 82.

The note under the article can be laid down by local Governments under the powers conferred upon them by that rule.

Article 272.—This is covered by Fundamental Rule 82 (b).

Article 273.—This is covered by the power given to local Governments in Fundamental Rule 82 (a) to make rules prescribing when a Government servant may be considered to have availed himself of a vacation.

Article 274.—This also is covered by rule 82 (b).

Article 275.—This is covered by the provision for credit of leave to a Government servant's account which appears in Fundamental Rule 77. Any amount once credited will remain at his credit even after his transfer to a vacation department.

Article 276.—This also will be covered by the ordinary rules as now drafted.

Article 276A.—This has been omitted, as interruption of duty is now meaningless.

Article 277.—Local Governments will be able to provide for the rule in this article by the use of their rule-making powers under Fundamental Rule 82 (a).

Article 278.—This is covered by the general provisions of Fundamental Rule 82.

Articles 279 to 286.—No provision for examination leave is made in the Fundamental Rules. Local Governments can allow it to count as duty under Fundamental Rule 9 (6) (b), reducing emoluments under Fundamental Rule 20 if necessary.

Articles 287 to 294.—Rules regarding hospital leave and maternity leave can be made by local Governments and the Governor-General in Council under the powers conferred by Fundamental Rule 101.

Articles 295 and 296.—The Governor-General in Council will make special rules under Fundamental Rule 2 to cover the provisions of these articles.

CHAPTER XIIA.

Article 297. It is unnecessary to repeat in the Fundamental Rules the provisions of this article. The new rules apply to all Government servants, except where it is specially stated that they do not apply.

Article 298 has already been cancelled.

Article 299 has been omitted.

Clause (a) provides for procedure only and will be covered by rules made by the Auditor-General and the local Governments under Fundamental Rule 74.

Clause (b) defines a power of the Secretary of State, which does not require stating in the Fundamental Rules.

Clause (c).—The Fundamental Rules contemplate that an authority which has power to grant leave can always extend it, retrospectively or otherwise.

Article 300 has been omitted, as it deals with procedure only and will be covered by rules made under Fundamental Rule 74.

Article 301.—The limits upon the total amount of leave have been reproduced in Fundamental Rule 81 (d).

Article 302.—Provision is made in Fundamental Rule 81 (c) for leave not due, and that provision includes the substance of articles 301 (b) and 302. The apparent reduction in the limit is due to the expression of leave in the Fundamental Rules in terms of leave on average pay. The second part of article 302 is reworded in Fundamental Rule 81 (e).

Article 303.—This has been omitted, as it contains administrative instructions only.

Article 304.—This has been omitted, as it is thought to be unnecessary to provide specifically for extension of leave. The authority which has power to grant leave naturally has power to extend it, subject to the usual limits.

Article 305 has already been cancelled.

Article 306.—Fundamental Rule 85 provides for the grant of extraordinary leave.

Proriso (i) under the article appears in Fundamental Rule 85 (a).

Proriso (ii) has been omitted, as the Fundamental Rules do not contemplate any cases where no lien is retained.

The provision laid down in clause (b) is implied by the new rule.

Rule 1 under the article has been omitted, as it is now considered unnecessary to allow extraordinary leave to be given when other leave is admissible.

Article 307.—The relevant portion of this article has been repeated in Fundamental Rule 85 (c).

Articles 308 and 309. Casual leave is even now "not subject to any rule," and it is considered that its grant and the conditions thereof may properly be left to local Governments.

CHAPTER XIII.

Article 310.—The rules for admission to the benefit of the special leave rules are contained in Fundamental Rule 75.

Article 311.—This article also will be covered by the rules which the Secretary of State may draft. It could not be applied to the new rules as they stand, otherwise a military officer in civil employ, if he reverted substantively to military employ, would retain the privileges of the civil leave rules.

Article 312.—The maximum amounts prescribed in this article are replaced by the new periods given in Fundamental Rule 81. In calculating these rates, the maximum period of furlough is taken as 6 years in the case of all Government servants subject to the special leave rules. The extra 6 months given by article 312 to members of the Indian Civil Service and military officers subject to the civil leave rules represent the 6 months of special leave with allowances which could be granted to such officers before revised article 312 came into force. Provision for this leave is now made in note 2 (ii) under Fundamental Rule 78, which treats it entirely independently of the leave account.

The total of 6 years, when expressed in terms of leave on average pay, becomes 3 years in Fundamental Rule 81 (a) (i).

Article 313.—In the Fundamental Rules the amount of furlough earned is not prescribed separately. All leave, expressed in terms of

leave on average pay, is shown together in rule 77. The fraction of $\frac{5}{11}$ of the period spent on duty there adopted is calculated as follows:

By 11 months of what will in future be called "duty," an officer subject to the special leave rules now earns 1 month of privilege leave, and by 12 months' active service (including privilege leave) he earns 3 months' furlough, which is equivalent to $1\frac{1}{2}$ months in terms of leave on average pay. By a period of duty of 11 months, he thus earns at present $2\frac{1}{2}$ months' leave expressed in terms of leave on average

pay. $\frac{2\frac{1}{2}}{11} = \frac{5}{22}$, the figure adopted in the Fundamental Rules.

Article 314.—

Clause (i).—The first part of this rule has been replaced by Fundamental Rule 77 (c), which allows a military officer to credit to his account as leave corresponding to furlough $\frac{1}{4}$ th of the period spent on duty or on privilege leave since the commencement of his service in India.

The latter part of clause (i) and the rule under it have been taken to Fundamental Rule 61.

The note under clause (i) is omitted, as it provides for audit procedure only.

Clause (ii).—This clause and note 2 under it are replaced by Fundamental Rules 77 (e) and 79, and the provisions of note 1 under the clause may be laid down in the rules to be framed by the Secretary of State in Council under rule 75.

*Article 315.—*This is replaced by the simple rule in Fundamental Rule 80. The note appears as note 2 (ii) under Fundamental Rule 78.

*Article 316.—*The main provisions are replaced by those of rules 89 and 90, which reproduce the same *marima* and *minima*, being the *marima* and *minima* recently prescribed by the Secretary of State. The substance of clause (b) under the article is reproduced in note 2 under rule 90. The note under clause (b) becomes note 3 under Fundamental Rule 90. The proviso has been omitted in view of the fact that leave salary is now calculated on average pay for 12 months only. It is considered that a Government servant should not, in the changed circumstances, be penalised if he reverts to a lower rate of pay shortly before going on leave.

Article 316A.— Practically all the provisions of this article find a place in the Fundamental Rules. Thus:—

Clause (a).—The limit of 1 year appears in rule 81 (b) (i); 1-11th of the period spent on duty, which is mentioned in that rule, representing the existing limit of privilege leave.

Clause (b) asserts the general principle of the Fundamental Rules, though the latter state all leave in terms of leave on average pay instead of stating furlough in terms of leave on half average salary.

Clause (c).—The limit of 8 months is reproduced in Fundamental Rule 81 (b) (i).

Clause (d) has been omitted, as being an administrative instruction.

Clause (e) is reproduced in Fundamental Rules 89, 90, 91 and 92 with the exception that, in view of the frequently arising necessity of changing the standard of conversion, the rate of exchange is left to be fixed by the Secretary of State in Council.

Clause (f).—The limit of 8 months appears in Fundamental Rule 81 (b) (i).

Clause (g).—The principle laid down in this clause is an essential feature of the new rules, though combination of leave, as such, ceases to exist.

Article 317.—The substance of this article is reproduced in Fundamental Rule 88. It is considered unnecessary to give the Governor-General in Council the power conferred by the note under the article.

Article 318 has already been cancelled.

Article 319.—The *minima*, which are those recently sanctioned by the Secretary of State, have been incorporated in Fundamental Rule 90. The only change made is the omission of the limitation to $\frac{3}{8}$ ths and $\frac{5}{8}$ ths of the salary last drawn on duty. Such a limitation seems to be no longer justified, seeing that leave salary is calculated on the average pay for the past 12 months only. It is considered that a Government servant should not, in the changed circumstances, be penalised if he reverts to a lower rate of pay shortly before going on leave.

CHAPTER XIV.

Article 320.—*Clause (a)* and the note under *clause (b)* will be replaced by the rules which the Secretary of State will ultimately make governing admission to the privileges of the special leave rules.

Clause (b) will be left to local Governments to regulate by rule under Fundamental Rule 103.

Article 321.—This has been omitted, as it is considered that restrictions of this kind should be left to local Governments to impose by rule if they desire to do so.

Article 322.—The limit laid down in Fundamental Rule 81 (a) (ii) takes into account 5 years of furlough.

Article 323.—The fraction of $\frac{3}{8}$ ths in Fundamental Rule 77 (a) (ii) takes into account the $\frac{1}{8}$ th of active service now earned as furlough.

Article 324 is covered by Fundamental Rule 80.

Article 325.—

Clause (a) is replaced by Fundamental Rule 88.

Clause (b) has been reproduced in the note under Fundamental Rule 87.

Article 326.—The *maxima* shown in this article are repeated in Fundamental Rule 89.

Article 327.—The substance of this article is reproduced in Fundamental Rule 90. The limitation of the amount of leave salary has been omitted for the reason given in the note on article 318.

Articles 328 to 348 have already been cancelled.

CHAPTERS XV TO XXI.

Articles 348A to 531.—These articles contain the general pension rules and they have, therefore, not been included in the Fundamental Rules. It may be mentioned, however, that the general principle underlying article 355 of the Civil Service Regulations has been definitely stated in the Fundamental Rules in rule 12, and that the main provisions of article 459 have been reproduced in Fundamental Rule 56.

CHAPTER XXII.

Article 532.—The main article itself contains an extract from the Government of India Act, which does not require repetition in the Fundamental Rules made under the Act.

Note 1 under the article need not appear in the Fundamental Rules. It is unlikely that a pensioned officer will be appointed to the Executive Council of a Lieutenant-Governor. If ever any such appointment is made, the necessary provision can be made as part of the terms of the appointment.

Note 2 under the article may be issued as an audit instruction.

Note 3 deals with procedure only and has, therefore, been omitted.

Article 533 has already been cancelled.

Article 534.—The substance of this article has been reproduced in Fundamental Rule 96.

Note 1 under the article has not been reproduced. Continuous service and interruption of leave have both ceased to exist, and it is considered that it is unnecessary to provide that service as a Lieutenant-Governor does not qualify for leave. If a Lieutenant-Governor either reverts to some post in the ordinary line or wishes to take leave preliminary to retirement after vacating his office, he will be entitled to take such leave, though not on the average salary of a Lieutenant-Governor, as is shown in the note on note 2 under this article below. In the unlikely event of his having already exhausted all the leave which he had earned prior to his appointment as Lieutenant-Governor, there seems to be nothing improper in allowing him to count his service as Lieutenant-Governor towards leave.

Note 2 under the article, as well as note 2 under article 537, is replaced by Fundamental Rule 97. The new rule omits the existing concession of subsidiary leave on half average salary preliminary to retirement. This is unavoidable in view of the abolition of subsidiary leave, which has already been made in connection with the simplification of the leave rules. This loss is, however, not a serious one to the officers concerned. The retiring member will now be able to take leave on full average pay as in the last part of the new rule, and this will rarely be less than half his pay as member. On the other hand, he now gets the great concession of at least 6 months of leave preliminary to retirement in place of a few days' subsidiary leave.

The limit of Rs. 4,000 reproduces in effect the provisions of the existing notes. The concession has been extended to Governors also, in view of the fact that several of the first Governors under the new constitution are members of the Indian Civil Service.

Note 3 under the article is covered by Fundamental Rule 71.

Article 535.—This article has been omitted and the pay of an officiating Lieutenant-Governor has been left to be regulated by the ordinary rule.

Article 536.—The substance of this article is reproduced in Fundamental Rule 57.

Article 537.—The substantive portion of this article is an extract from the Act and is, therefore, not reproduced in the Fundamental Rules.

Note 1 under the article.—See note on article 534, note 1, above. It is proposed to treat a member of Council in the same way as a Lieutenant-Governor.

Note 2 under the article is covered by Fundamental Rule 97 and *note 3* by Fundamental Rule 71.

Article 538 can be issued as an audit instruction.

Article 539 contains an extract from the Act and is, therefore, not reproduced in rules made under the Act.

Articles 540 and 541 have been omitted, as they can be issued as audit instructions.

Article 542.—This has been repeated, with the necessary changes in wording, in Fundamental Rule 38.

Articles 542A to 542C deal with pensions and are, therefore, not included in the Fundamental Rules.

CHAPTER XXIII.

Article 543.—The whole of this article consists of a repetition of rules made under other sections of the Act. It has, therefore, not been included in the Fundamental Rules.

Articles 544 and 545.—The substance of these articles has been reproduced in Fundamental Rule 64.

CHAPTER XXIV.

Articles 546 to 548.—These have been reproduced in Fundamental Rule 98, with the omission of the requirement in article 546 of the sanction of the Government of India. It seems unnecessary to insist on this under the new régime. No mention is made in Fundamental Rule 98 of the Legal Remembrancer and Secretary to the Legislative Council in the Punjab, as the special concessions given to this officer relate to pension only.

Article 549.—This will be included in the pension rules.

Article 550.—This has been reproduced in Fundamental Rule 58 (c) (iii), with the omission of the special provision regarding officers to whom the rules applied on the 25th June 1901. If any such officers still exist, they can be protected by an audit instruction.

CHAPTER XXV.

Article 551.—Date of first arrival in India is of no importance under the Fundamental Rules. The article has, therefore, been omitted.

Article 552.—This refers back to article 187, provision for which has been made in Fundamental Rule 42.

Articles 553 and 554.—These merely state that the ordinary rules apply and they have, therefore, not been repeated in the Fundamental Rules.

Article 555 has been replaced by the general rule in Fundamental Rule 86.

Articles 556 to 560.—It seems unnecessary to provide in the Fundamental Rules for all these details. The rules of all the important Provident and Family Pension Funds at present require the sanction of the Secretary of State, and Fundamental Rule 16 has been drafted accordingly.

Articles 561 to 564B.—The substance of these will be included in the pension rules.

Article 565.—The substance of clause (a) and of the note under it has been taken into Fundamental Rule 56 (c) (i) and (ii). Clause (b) can be issued as an audit instruction. The note under it has been repeated under Fundamental Rule 56.

CHAPTER XXVI.

Article 566.—

(1) Of the rules regarding pay and allowances in this article, rule 1 has recently been replaced by new rules made in connection with the reorganization of the Indian Civil Service. Provision has been made for rule 2 in Fundamental Rule 43, which leaves the Secretary of State in Council to fix the rates of subsistence grant.

(2) The regulations regarding pension will be reproduced, so far as is necessary, in the pension rules.

(3) The leave regulations in this article are practically identical with those included in the Indian Service Leave Rules before the simplification of 1920. In a few points only the regulations for statutory civil servants are slightly more restrictive than the old Indian Service Leave Rules. In view of the fact that statutory civil servants will very shortly cease to exist, it is thought that they may without impropriety be made subject to the same conditions as other Government servants under the Indian Service Leave Rules. An addition to cover this case has, therefore, been made to Fundamental Rule 77 (c) and the special rules in this article have been omitted.

CHAPTER XXVII.

Article 567.—This article reproduces the provisions of rules made under another section of the Act and has, therefore, not been reproduced in the Fundamental Rules. It is saved by Fundamental Rule 94.

Articles 567A to 569.—Rules replacing these articles have recently been issued as statutory rules under section 118 of the Act. They have not, therefore, been included in the Fundamental Rules, which are made under section 96B.

Article 569A.—*Clause (a)* of this article is taken from the Act and in any case it relates to pensions. It is, therefore, not reproduced in the Fundamental Rules. *Clause (b)* also relates to pensions and will be considered when the pension rules are taken in hand.

Article 570.—Fundamental Rule 95 has been so worded as to include the Bishops here concerned in the definition of Chaplains for the purposes of the leave rules.

Articles 571 and 572.—It is unnecessary to reproduce these rates of allowance in the Fundamental Rules. They are additions to the pay of certain specified posts, and should be included in the manuals of appointments of the Audit Officers concerned.

Articles 573 to 576.—The operative part of these articles may be included in the Special Leave Rules for Chaplains (see note on articles 580 to 597 below) and in the Pension Rules.

Articles 577 to 579 have already been cancelled.

Articles 580 to 597.—It seems unnecessary to reproduce in the Fundamental Rules the detailed rules as to Chaplains' leave, which would mean including a reference to privilege leave and the various kinds of furlough which have been abolished. It seems sufficient to leave it to the Secretary of State in Council to frame rules, and this is done in Fundamental Rule 95.

Article 598.—The relevant portion of this article is reproduced in the note under Fundamental Rule 14, which says, in effect, that a Chaplain who has taken a home benefice will lose his lien on his Indian appointment as soon as his leave ends. The procedure portion of this article is omitted, and *clause (a)* is covered by the general rule in Fundamental Rule 69.

Articles 599 and 599A.—These are rules dealing with pensions, and have therefore not been included in the Fundamental Rules.

Article 600.—This article has been omitted, and the Chaplains left to come under the ordinary rule in Fundamental Rule 56(a), in accordance with recent orders of the Secretary of State.

Article 601.—This article is replaced by the general rule in Fundamental Rule 86.

Article 601A.—The provisions of this article may be left to be prescribed as part of the travelling allowance rules by local Governments. The Governor-General in Council can, if necessary, direct their prescription, as ecclesiastical administration is a central subject.

Passage rules framed by the Secretary of State are incorporated under Fundamental Rule 44. Articles 601A and 1123, Civil Service Regulations, have at the same time been repealed. (Government of India, Finance Department, No. F.200-I.C.S.R.—25, dated the 18th December 1925.)

Articles 602 and 603.—These allowances may be left to local Governments to fix, under their ordinary powers, subject to any guidance which the Governor-General may wish to give as indicated in the preceding note.

CHAPTER XXVIII.

Article 604.—It is unnecessary to include the provisions of this article in the Fundamental Rules. It merely states that the ordinary rules apply.

Article 605.—The substance of this article is covered by Fundamental Rule 100 (a) (ii), with the omission of the reference to special leave, which ceases to exist under the Fundamental Rules.

Note 1 under this article has been omitted, in view of the removal of all restrictions upon the intervals between periods of leave.

Note 2 under the article has similarly been omitted, seeing that the Government servants concerned will get joining time under the new rules, which apply to all Government servants in civil employ.

Article 606.—This is covered by Fundamental Rule 100 (a) (i).

Note 1 under the article is unnecessary, as the new rules apply to all persons in civil employ.

Note 2.—Combination of leave is permitted by Fundamental Rule 100 (a) (ii).

Note 3 has been omitted. It can, if considered necessary, be issued as a special rule under Fundamental Rule 2.

Article 607.—This is covered by the general wording of Fundamental Rule 100 (a). The rule under the article has been omitted, seeing that a lien on an acting appointment now ceases to exist.

Article 608.—This is covered by Fundamental Rule 100.

Article 609.—The substance of this article is covered by the note under Fundamental Rule 107 (b).

Article 610.—This will be covered by the general rule in Fundamental Rule 86.

Article 611 has been omitted as being a rule of procedure only, which can be issued as an audit instruction.

Article 612.—*Clause (a)* appears as Fundamental Rule 56 (c) (vi) (4). The note under it has been omitted as containing administrative instructions only.

Clause (b) should be issued as an audit instruction. The exception under it has been included in its latest shape in Fundamental Rule 56 (c) (vi) (1).

Article 613.—*Clauses (a) and (b)* have been included in rule 56 (c) (vi) (1) and (2). *Clause (c)* is in clause (c) (vi) (4) of the same rule.

Article 614.—This provision has not been included in the Fundamental Rules, since in actual practice a Colonel's allowance is not earned until long after retirement from civil employ.

Article 615.—Powers of dismissal will be dealt with in other rules to be framed under section 96B of the Act. The second sentence of this article is included in Fundamental Rule 56 (c) (iv) and (vi) (3).

Article 616.—The substance of this article appears in Fundamental Rule 56 (c) (vi) (3).

Article 617.—This has been omitted for the reasons given in the note on article 614.

Article 618 has already been cancelled.

Article 619.—*Clauses (a) and (b)* are included in Fundamental Rule 56 (c) (vi) (3), with the omission of the reference to Class I of Chief Engineers, which has been abolished. The last sentence of clause (b) really amounts to an administrative instruction and has, therefore, been omitted.

Clause (c) also contains an administrative instruction and has, therefore, been omitted.

Clause (d) has been omitted as unnecessary. The rules will naturally apply to the officers concerned.

The note under the article can be issued as an audit instruction.

Article 620.—This has been replaced by the general rule in Fundamental Rule 86.

CHAPTER XXIX.

Article 621.—This article has been omitted, as no officers of the Army Veterinary Department will in future be appointed to officiate in the Civil Veterinary Department.

Article 622.—*Clause (a)* has been omitted, as it merely states the ordinary method of calculating half pay. In view of other privileges conceded, the officers concerned may, like other services, be required to draw half average pay on leave.

Clause (b) and *note 1* under it are reproduced in the note under Fundamental Rule 61 (a) (i). The first part of *note 2* is covered by the substantive portion of the same rule, and the second part of *note 2* and the whole of *note 3* follow naturally from the ordinary rules.

Articles 623 to 626.—These will be included in the pension rules.

CHAPTER XXX.

Article 627.—As will be seen from the following notes, it is considered unnecessary to maintain in the Fundamental Rules special rules for the classes of Government servants concerned.

Articles 628 to 632.—These articles deal with the date of commencement of service, which is of importance for pension purposes only. They have, therefore, been omitted.

Article 633.—This merely applies the ordinary rules and it has, therefore, been omitted.

Article 634.—In rule 75 of the Fundamental Rules, which is applicable to all civil services in India, the power of laying down rules for the admission of officers to the special leave rules has been left to the Secretary of State in Council.

Articles 635 to 644.—These are purely pension regulations. They have, therefore, been omitted from the Fundamental Rules and will be considered in connection with the pension rules.

Article 645 has already been cancelled.

Article 646.—This has been omitted, as the appointment concerned has already ceased to exist.

Article 647.—Reappointment in cases of this kind can under present regulations be sanctioned, and the rule is, therefore, not of sufficient importance to call for incorporation in the Fundamental Rules.

Article 648.—As article 647 has been omitted, this article also becomes unnecessary.

Article 649.—The first part of this article is included in the rules as to dismissal, which have been made separately.

The second part of the article has been included in Fundamental Rule 56 (c) (iv).

Article 650.—The substance of this article is repeated in Fundamental Rule 56 (c) (v).

CHAPTER XXXI.

Article 651.—This list of officers is repeated in Fundamental Rule 99.

Article 652.—This states an obvious fact, and is, therefore, not repeated in the rules.

Article 653.—Throughout the Fundamental Rules the requirement that there should be no extra expense to Government has been omitted, as it is thought that this is a matter which may properly be left to local Governments. This article has, therefore, been omitted.

Article 654.—This is reproduced in Fundamental Rule 99.

Articles 655 and 656.—The powers given to local Governments by Fundamental Rule 103 will enable them to frame all necessary rules of this kind. The article is, therefore, omitted.

Article 657.—has been omitted, as the local Governments can fix the pay of such officers under their ordinary powers.

Article 658.—The fact recorded in this article follows as a matter of course from Fundamental Rule 85.

CHAPTER XXXII.

Articles 659 and 660 are of importance for pension purposes only. They have, therefore, been omitted from the Fundamental Rules.

Article 661.—These rules will be made by the Governor-General in Council, acting as a local Government in relation to a central service, under Fundamental Rule 101.

Article 662 need not be reproduced, as it applies the ordinary rules.

Articles 663 and 664.—These rules depart in so many respects from the ordinary leave rules, as now drafted, that it is considered undesirable to repeat them at length in the Fundamental Rules. It is considered that they should be laid down as special rules under Fundamental Rule 2 by the Governor-General in Council.

Article 665.—See note on article 661.

Article 666.—These rules can be made by the Governor-General in Council under the powers conferred upon him by Fundamental Rule 103 (c).

Article 667.—See note on articles 64 to 66.

Articles 668 and 669 are omitted, as containing pension regulations only.

CHAPTER XXXIII.

Article 670.—The note under Fundamental Rule 9 (2) leaves it to the Secretary of State to fix such rates as are prescribed in this article.

Articles 671 to 677.—The Secretary of State has recently sanctioned the application of the European Service Leave Rules to the Bengal Pilot Service as a whole.

These articles are, therefore, obsolete and have been omitted.

Articles 678 to 692.—All these deal with pensions and family pensions and have, therefore, been omitted from the Fundamental Rules.

CHAPTERS XXXIV TO XXXVII.

Articles 693 to 727.—All these contain special rules as to the leave and acting allowances admissible to certain grades of police subordinates. It is considered that, if the local Governments concerned desire to continue to apply any of these special rules, they should make rules under Fundamental Rule 2.

CHAPTER XXXVIII.

Articles 728 to 749.—With the exception of article 733, all these articles deal with a special class of pension, and will be reproduced in the pension rules. Article 733, which deals with wound leave, has been replaced by Fundamental Rule 83, which has been drafted in accordance with the redraft recently received from the India Office.

CHAPTER XXXIX.

Article 749A.—The substance of this article has been reproduced in Fundamental Rule 109. It would obviously be out of the question to attempt to revise existing contracts with foreign employers in accordance with the new rules.

Article 749B.—This article has been omitted from the Fundamental Rules. In this chapter, as throughout the rules, the actual powers possessed by the Government of India and the local Governments are set forth, and it is understood that any powers not so set forth are reserved to the Secretary of State in Council. So far as allowances are concerned, this has been expressly stated in the audit resolution which is appended as a schedule to rules made under section 45A of the Act.

Article 750.—It has been found possible in the new rules to omit the distinction between foreign service of the first and of the second kind. The principle underlying the Foreign Service Rules is that, when an officer of Government is lent for work for which he is paid from funds other than general revenues, contributions should be levied for leave and pension. The question whether Government manages the funds or not does not appear to affect this position. Article 750 has, therefore, been omitted altogether and one kind only of foreign service introduced.

Article 751.—The Fundamental Rules will not deal at all with rules of discipline and other similar regulations. These have been treated in another portion of the rules under section 96B of the Act. The substance of article 751 has, therefore, been omitted.

Article 752.—This has been replaced by the rather more general provision in rule 113 of the Fundamental Rules. It is thought that the principles stated in that rule are sufficient for practical purposes. Fundamental Rules 26 and 113 provide for the last sentence of article 752.

Article 753.—This has been reproduced with slight verbal alterations in rule 120.

Article 754.—This has been reproduced in rule 121.

Article 755.—This article, as it stands at present, deals with several different subjects which do not form an entirely suitable combination. They have, therefore, been separated and taken to the appropriate parts of the new rules.

The main portion of clause (a) is provided for in Fundamental Rule 113, while the retention of a lien is secured by Fundamental Rule 14.

Clause (b) has been reworded in rule 125. In order to simplify procedure, the specifications contained in the second and third paragraphs of this clause have been omitted and the date of reversion has been left to be settled by the local Government on whose establishment the foreign servant is borne. This seemed desirable in view, among other considerations, of the difficulty of interpreting the meaning of the word "control" in these paragraphs.

Article 756.—The latter part of rule 114 allows the sanctioning authority, subject to any restrictions which the Governor-General in Council may by general order impose, to fix all these details in consultation with the foreign employer. This seems to be sufficient.

Article 757.—This article has been reproduced, with a change in wording to suit the new conditions, in rule 124.

Article 758.—This article combines two provisions which are better separated. The date of commencement of foreign service has accordingly been provided for at the beginning of rule 114 and the date of reversion in rule 126. No mention has been made of travelling allowance, as all matters in connection with such allowance are left for the decision of local Governments.

Article 759.—This article will be more suitably included in the pension rules, and it has accordingly been omitted from the Fundamental Rules.

Article 760.—This contains a rule of procedure which would be out of place in the Fundamental Rules, and it has accordingly been omitted. It may be issued as an audit instruction.

Article 761.—In place of clauses (a) and (b) of this article, the note under Fundamental Rule 69 has been so worded as to make the ordinary provisions as to sanction apply to Government servants who take up foreign service while on leave.

Clause (c) of the article has been reproduced in rule 112.

Note 1 becomes unnecessary, in view of the new wording of the note under rule 69.

Note 2 does not deal with foreign service.

Article 762.—The substance of this article has been reproduced in rule 111 with some slight changes in wording.

The note has been omitted as being merely explanatory.

Articles 763 and 764.—The matters of which these articles treat form the subject of rules 110 (b) and 114 of Fundamental Rules. It is recognised that the Government of India may desire to maintain a large measure of control over transfers to foreign service, particularly in the case of service in important Indian States which are in direct relation with the Government of India. It does not, however, seem necessary to embody in the Fundamental Rules all the minute details specified in articles 763 and 764. It is considered sufficient to give the Governor-General in Council power to make subsidiary regulations.

Article 765.—This article has been somewhat reworded in rule 115. The only material change is contained in the last sentence of that rule, under which contributions will not be payable during the leave. The rates of contributions to be levied are now being recalculated on the assumption that they will not be levied during leave.

Articles 766 to 770.—The rules fixing the amount of contributions are now under revision, and some considerable time may elapse before the new rules are finally decided. It, therefore, seems desirable to make no attempts to set forth the rates in the rules but to leave them, under the terms of rule 117, to be fixed by the Governor-General in Council. This procedure will incidentally facilitate the making of any changes which may be considered desirable in future.

Article 771 has been reproduced in Fundamental Rule 118.

Article 772.—Here a considerable devolution of power has been made in rule 119 by giving local Governments power to remit contributions. The devolution is, however, restricted by the general rule-making powers reserved to the Governor-General in Council.

Articles 773 and 774.—These contain rules of procedure only and they have, therefore, been omitted from the Fundamental Rules.

Article 775.—A simpler rule has been laid down in the latter part of rule 115.

Article 776.—The greater part of this article consists of rules of procedure. As for the rest, rule 119 (b) gives local Governments powers to prescribe the rate of interest to be levied on overdue contributions, and this seems sufficient.

Article 777.—This is covered by the general rule 122.

Article 778.—The first part of this article is covered by rule 122. The second part contains rules of procedure and administrative instructions which it is considered unnecessary to reproduce in the Fundamental Rules.

Article 779.—This article becomes unnecessary, as the distinction between the two kinds of foreign service has been abandoned.

Article 780.—This consists mainly of rules of procedure and it has, therefore, been omitted. The rules as to grant of leave can be made by local Governments under Fundamental Rule 66.

Article 781.—This has been reproduced with some changes in wording in rule 123. The portion of the article which deals with procedure has been omitted.

Article 782.—This article has been omitted, as it is thought that a case of the kind contemplated should now come under the ordinary rules.

CHAPTER XLI.

Article 783.—The substance of this article has been reproduced in rule 127, but full powers have been given to local Governments to remit contributions.

Articles 784 to 795 have already been cancelled.

CHAPTER XLII.

Articles 796 to 809 deal with pensions, and have therefore been omitted from the Fundamental Rules.

Articles 810 to 813.—These have been replaced by the simple rules in Fundamental Rules 128 to 130. There is still a certain number of local funds which are administered by Government. The Fundamental Rules propose to treat the *employés* of all such funds as Government servants proper. The *employés* of local funds which are not administered by Government are not Government servants, and the Fundamental Rules therefore make no mention of them; but Government servants transferred to service paid from such funds are treated as in foreign service.

CHAPTER XLIII.

Articles 815 to 824.—Rule 74 of the Fundamental Rules gives local Government power to issue these rules of procedure, subject to any instructions which the Auditor-General may issue in the interests of efficiency and uniformity of audit.

CHAPTER XLIV.

Articles 825 to 827.—Rule 74 of the Fundamental Rules gives local Governments power to issue these rules of procedure, subject to any instructions which the Auditor-General may issue in the interests of efficiency and uniformity of audit.

Article 827A.—This is an administrative instruction which need not be included in the Fundamental Rules.

Articles 827B to 838.—These have been omitted as containing rules of procedure only—see note on articles 815 to 824.

Article 839.—It does not seem necessary to state this fact in the Fundamental Rules. In the absence of specific provision to the contrary, it would seem to follow from the ordinary rule.

Article 840.—It seems unnecessary to retain this restriction. Local Governments can always enforce it by administrative order. The article has, therefore, been omitted.

Article 841.—This article defines the authorities by whom leave may be granted, and it is replaced in the Fundamental Rules by the rule-making power given to local Governments by rule 66. The report by the audit office is a matter of procedure, and will be met by rules made by the Auditor-General and the local Governments under rule 74.

Article 842.—This can be laid down by the Auditor-General as parts of the procedure for the grant of leave.

Article 843.—The provisions of this article can be laid down as a rule by local Governments under Fundamental Rule 66.

Articles 844 and 845 have already been cancelled.

Articles 846 to 850.—These rules can be made either by the Secretary of State under Fundamental Rule 95 or by local Governments under Fundamental Rule 66. They need not appear in the Fundamental Rules.

Articles 851 and 852.—These contain matters of procedure only and have, therefore, been omitted. They will be covered by the rules and instructions for which Fundamental Rule 74 provides.

Article 853 has already been cancelled.

Article 854.—See note on articles 846 to 850.

Articles 855 to 861.—These also will be covered by the rules and instructions mentioned in Fundamental Rule 74.

CHAPTER XLV.

Article 862.—The provisions of this article have been replaced by those of Fundamental Rules 91 and 92.

Articles 863 to 867.—See note on articles 855 to 861.

Article 868.—This is replaced by rule 91.

Article 869.—The Governor-General in Council will lay down rules of this kind. See Fundamental Rule 74 (b).

Article 870 has already been cancelled.

Articles 871 to 873 have been omitted as containing rules of procedure—see note on articles 855 to 861.

CHAPTER XLVI.

Articles 874 to 876 have been omitted as containing rules of procedure.

Article 877.—The substance of this article can be issued as an audit instruction.

Articles 878 to 904.—See note on articles 855 to 861.

CHAPTERS XLVII TO L.

Articles 905 to 994.—All these relate to pensions and have, therefore, been omitted from the Fundamental Rules. The majority of them are what they profess to be, rules of procedure only. Such articles as 918 and 934, which contain matter of importance, will be incorporated in the main pension rules.

CHAPTERS LI TO LVII.

Article 995.—The definition has been taken to Fundamental Rule 9 (32) and the fundamental principle stated in the article to Fundamental Rule 44.

Articles 996 to 1163 have been omitted. They contain the detailed rules regarding travelling allowance, which the Fundamental Rules leave to be laid down in future by local Governments or, in the case of Government servants under his administrative control, by the Governor-General in Council.

APPENDICES.

Appendix 1 becomes unnecessary in view of the power of delegation conferred upon local Governments by Fundamental Rule 6.

Appendices 1A and 2 have been cancelled.

Appendix 3 refers to procedure only.

Appendix 4 becomes unnecessary, in view of the new rules regarding the pay of acting officers.

Appendix 4A.—All the matters treated in this appendix are covered by the powers now given to local Governments in this connection.

Appendix 5 has already been cancelled.

Appendix 6.—All the allowances mentioned in this appendix can now be given by the local Governments under the powers conferred upon them by the Fundamental Rules.

Appendix 6A is rendered unnecessary by the powers given to local Governments in Fundamental Rule 105 (d), read with Fundamental Rule 106, of giving joining time in the cases with which the appendix deals.

Appendix 7 has already been cancelled.

Appendices 7A to 10 deal with pensionary matters and will be considered in connection with the pension rules.

Appendix 11.—The rules contained in this appendix will be issued as rules made by the Secretary of State in Council under Fundamental Rule 16.

Appendices 12 to 14 have already been cancelled.

Appendix 15.—This will be issued as a rule made by the Secretary of State in Council under Fundamental Rule 91.

Appendix 16 has already been cancelled.

Appendices 16A to 27.—All these relate to travelling allowances and will be issued, if at all, by local Governments in future.

Appendix 28 contains rules framed under other sections of the Act and need not, therefore, be reproduced in the Fundamental Rules.

Appendix 29 has already been cancelled.

Appendix 30 relates to travelling allowance. The necessary rules will be issued by local Governments or the Governor-General in Council, as the case may be, under the powers conferred by Fundamental Rule 44.

Appendix 31.—The rules in this appendix can be laid down by the Governor-General in Council under the powers conferred upon him by Fundamental Rule 114.

Appendix 32.—The rules in this appendix will be covered by the orders issued by the Secretary of State in Council under Fundamental Rule 84.

Appendix 33.—The Government of India can issue such lists as these, for the guidance of Audit Officers and local Governments. The contracts of the officers concerned will usually show what is the period of probation and, if not, it will be for the Governor-General in Council to interpret the rules under Fundamental Rule 8.

APPENDIX No. 3

[F. R. O (20).]

Resolution.*Simla, the 5th July 1923.*

No. 1533Ex.—In exercise of the powers conferred by section 96B (2) of the Government of India Act, the Secretary of State for India in Council has been pleased to make the following rules regulating the grant of overseas pay to members of services or to holders of posts for which he has sanctioned such pay.

2. The Secretary of State in Council has decided that these rules shall have effect from the 3rd January 1921, and that the principles laid down in the rules shall be applied retrospectively from the dates on which overseas pay came into force for the various services or posts concerned. The object of the grant of retrospective effect is to place the grant of overseas pay on a uniform basis from its inception. An officer not entitled to overseas pay under these rules will not, however, be required to refund any amounts which he may have drawn in good faith.

3. It will be observed that under the rules an officer who has been promoted to an Imperial Service from a provincial or subordinate service or from an outside post and is of non-Asiatic domicile is entitled, subject to the proviso in rule 1 (a), to overseas pay from the date on which he became a member of the service. It has been decided that an officer who is admitted to an Imperial Service by promotion should become a member of that service in all respects and that there is no valid reason why he should be treated differently, in respect of overseas pay, from members of the service recruited from other sources. This decision will not, however, supersede that embodied in clause (7) of the Home Department Resolution No. 1260, dated the 24th June 1920, because Provincial Civil Service Officers on appointment to hold listed Indian Civil Service posts do not become members of the Indian Civil Service; they remain members of the Provincial Civil Service and it is considered that the pay fixed for them is a fair remuneration independently of overseas pay.

OVERSEAS PAY.

1. Overseas pay at the rate or rates sanctioned for a particular service or post may be drawn by the following classes of officers serving in such service or holding such post, namely:—

(a) any officer having at the date of his appointment to such service or post his domicile elsewhere than in Asia:

Provided that no such officer shall be entitled to this concession who, prior to such appointment, has for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments or other privilege, claimed or been deemed to be a native of India;

(b) any officer having at the date of his appointment his domicile in Asia, to whom this concession has been extended by any general or special order of the Secretary of State in Council.

2. For the purposes of these rules, the domicile of a person shall be determined in accordance with the provisions set out in the Schedule to these rules:

Provided that a person who was born and has been educated exclusively in Asia, and has not resided out of Asia for a total period exceeding 6 months, shall be deemed to have his domicile in Asia.

3. No officer who after his appointment to a service or post acquires a new domicile shall thereby lose his right to or become entitled to overseas pay.

4. If any question arises as to the domicile of any officer at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by him, of the Governor-General in Council in the case of persons appointed by him, or of the local Government in the case of persons appointed by them, shall be final.

THE SCHEDULE.

Provisions for the Determination of Domicile.

1. A person can have only one domicile.

2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.

5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

Explanation 1.—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling.

Explanation 2.—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any Ambassador, Consul, or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin:

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband:

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above, a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person.

APPENDIX No. 4

(F. R. 44, S. R. 29.)

List of Permanent Monthly Travelling Allowance.

	Rates of permanent travelling allowance.	
	Rs.	
<i>Land Revenue—</i>		
Sub-Deputy Collector stationed in the island of Kutubdia in the district of Chittagong	20	
Four Amins, Chittagong Hill Tracts	12	
Four Sub-Managers, Khas Tahsil Office, Midnapore	25	
Tahsildars of Daudkandi and Chandpur in Tippera for 8 months in the year	25	
Tahsildars of Muradnagar and Faridganj for 6 months in the year	25	
<i>Khas Mahal Circle—</i>		
Officers of Joynagore, Lal Mohan, Amtai and Barguna in the district of Bakarganj	75	
Khas Mahal Kanungo, Sirajganj (from the 15th August to the 14th November)	45	
Khas Mahal Kanungo, Mirkutia (from the 15th August to the 14th November)	40	
Colonisation Officer, Bakarganj	125	
Two Amins employed on field work in connection with the revisional survey work in the Chittagong Hill Tracts	12	
<i>Forest—</i>		
Forest Revenue Collectors managing protected forests in the Sunderbans of the Bakarganj district	50	
Rangers in charge of Goompular and Senchal Ranges in the Darjeeling Division	30	
Rangers in charge of Mahakaram Range of the Darjeeling Division	25	
<i>General Administration—</i>		
Commissioners of Divisions	250	
Sub-Deputy Collectors employed in { in dry districts	50	
Sub-Deputy Collectors employed in { in river districts, including boat allowances	75	
<i>Law and Justice—</i>		
Registrar, Presidency Magistrate's Court	50	
<i>Police—</i>		
Superintendent of the River Police, Bengal	150	
Assistant Superintendent and Deputy Superintendent of the River Police, Bengal	100	
Inspectors of the River Police, Bengal	30	
Sub-Inspectors of the River Police, Bengal	15	
Assistant Sub-Inspectors and Head Constables of the River Police, Bengal	7	
Constables of the River Police, Bengal	5	
N. B.—Classification of districts into river and dry for the purpose of fixed travelling allowances of Circle Officers:—		
<i>District and subdivision.</i>	<i>River period.</i>	<i>Dry period.</i>
Dacca	Whole year	
Munshiganj	Whole year	
Narayanganj	June to October	November to May
Mangalganj	Ditto	Ditto
Jalpaiguri (whole division)	June to October	Whole year
Pabna (whole division)	June to October	November to May.
Rangpur	Ditto	Whole year
Nilphamari	Ditto	Ditto
Gazipur	Ditto	Ditto
Kumargram	June to October	November to May.

	Rates of travelling allowance.	Re.
<i>Education—</i>		
The Inspecting Pandit of the Primary Schools within the South Suburban, Maniktola, Cossipore-Chitpore, and Baranagar Municipalities in the district of 24-Parganas	5
Sub-Inspector of Schools, Bakarganj (Boat allowance)	40
Sub-Inspectors of Schools, Dacca (Boat allowance)	40
One Industrial Zenana Governess, Dacca	20
<i>Agriculture—</i>		
Principal of the Veterinary College, on condition that he maintains a four-seated motor-car	150
Assistant Inspector of Smoke Nuisances, Bengal	75
Superintendent in charge of the Government Agricultural Farms at Dacca	15
<i>Public Works Department—</i>		
Superintending Engineer, Presidency Circle, on condition that he maintains a motor-car in a condition fit for travelling	150
<i>Irrigation Department—</i>		
Tahsildar, Contai Circle, Canal Revenue Division, Midnapore	15

APPENDIX No. 5

(F. R. 44, S. R. 32.)

List of Conveyance or Horse Allowances.

	Rate of conveyance allowances
	Rs.
Land Revenue—	
Four Sub-Managers (provided a horse is actually maintained) of the Jalamutha and Majnamutha Estates in Midnapore district	25
Sub-Deputy Collectors and Tahsildars of Falakata, Mainaguri, Alipur, Jalpaiguri	20
Probationary Deputy Collector on training in the Survey and Settlement Department, Mymensingh (provided a horse or a pony is actually kept)	30
Probationary Sub-Deputy Collector on training in the Survey and Settlement Department, Mymensingh (provided a horse or a pony is actually kept)	20
Probate Deputy Collector, Calcutta	100
Settlement Kanungoes	20
Excise and Salt—	
Superintendents of Excise and Salt, Calcutta, on condition that they maintain a motor-car each—	
Two-seated car	100
Four-seated car	150
Prosecuting Inspectors in Excise and Opium Cases, Calcutta	75
Inspector of Excise and Salt, Calcutta, employed in Inspection and Detection Work	75
Sub-Inspectors of Excise and Salt, Calcutta, employed in Inspection and Detection Work	45
Inspector in charge of Excise Intelligence Bureau Office	50
Superintendent, Ganja Mahal, Naogaon, Rajshahi	100
Inspector, Ganja Mahal, Naogaon, Rajshahi	30
Sub-Inspector, Ganja Mahal, Naogaon, Rajshahi	30
Petty Officers, Ganja Mahal, Naogaon, Rajshahi	5
Peons, Ganja Mahal, Naogaon, Rajshahi	2
Forest—	
Forester in charge of Birch Hill and Lebong Park	22
Rangers and Deputy Rangers in charge of Ranges in Northern Bengal (provided a horse or pony is kept)	30
Deputy Rangers and Foresters in Northern Bengal not in charge of Ranges (provided a horse or pony is kept)	20
Audit—	
Examiner of Outside Accounts, Calcutta, on condition that he maintains a motor-car	100
Note.— The allowance may be increased to Rs. 150 if the car maintained is a 4-seated one.	
Law and Justice—	
Coroner of Calcutta	36
Public Prosecutor, Calcutta	50
Jails—	
Deputy Superintendent, Central Jail, Alipore	25

	Rate of conveyance allowances.
Police —	Rs.
Superintendent in charge, Intelligence Branch, Criminal Investigation Department	150
Superintendent of Police, Dacca and Howrah, on condition that they maintain motor-cars and that no other travelling allowance will be admissible for journeys beyond a radius of 5 miles when the journey out and back is completed in one day	100
NOTE.—The allowance may be increased to Rs. 150 if the car maintained is a 4-seated one.	
Additional Superintendent of Police, Dacca, on condition that he maintains a 2-seated motor-car and that he does not draw any other travelling allowance for journeys beyond a radius of 5 miles from his headquarters, when the journey out and back is completed in one day	100
Assistant Commissioners, Calcutta	75
Deputy Commissioners, Calcutta	100
Note.—In the case of an officer who provides himself with a 4-seated motor-car the allowance may be increased to Rs. 150.	
Deputy Superintendent or Assistant Superintendent in charge of the Dacca and Howrah Town Police on condition that he maintains a motor-car and that he does not draw any other travelling allowance for journeys beyond a radius of 5 miles from his headquarters when the journey out and back is completed in one day	100
One Inspector attached to the Passport and Pass Department of the Calcutta Police	50(a)
Inspectors of the Calcutta City Police and other Subordinate Police Officers attached to it whom the allowance may be granted by the local Government	25(a)
Sergeant at Budge-Budge in the district of 24-Parganas	25(a)
Sub-Inspectors, Calcutta City Police	20(a)
(a) Note.—All these allowances are granted on production of a certificate to the effect that necessary means of conveyance have been maintained. Their drawal during leave is governed by the rules made under Fundamental Rule 93.	
Armed, Town, Prosecuting and Reserve Inspectors (including Prosecuting Inspector of the Railway Police but not Circle Inspectors and those attached to Training College, Constables' Training Schools and Railway and River Police)	30(b)
Inspectors and other Subordinate Police Officers in the Criminal Investigation Department to whom the allowance may be sanctioned by the local Government	30(b)
One Inspector of the Detective Department, Howrah	30(b)
Sergeants and Sub-Inspectors (including those employed in the Finger Print Bureau but not those attached to the Railway or River Police)	30(b)
(b) Note 1.—The allowance is granted on the production of a certificate that a horse is actually maintained. It may not be drawn during joining time. Its drawal during leave is governed by the rules made under Fundamental Rule 93. Police Inspectors and Sub-Inspectors and Sergeants in mafasai towns may draw a conveyance allowance of Rs. 10 a month on furnishing two certificates, one for maintaining a bicycle instead of a horse and another to the effect that the Superintendent of Police recognises this means of conveyance as sufficient and suitable. Those in Calcutta (including Sealdah and Alipore) and Howrah (Sadar) may draw a similar allowance of Rs. 30 a month, subject to no condition. The Sergeants of the Dacca City Police for whom horses are maintained at the cost of Government draw the allowance subject to no condition. The Inspectors of Dacca City Police for whom a horse is maintained at the expense of Government draw conveyance allowance of Rs. 10 a month on condition that they keep a bicycle. Sub-Inspectors on deputation to the Finger Print Bureau may draw conveyance allowance on the same scale as drawn by them previous to their deputation, provided they maintain conveyance in the district to which they are permanently attached.	
Note 2.—The fixed conveyance allowance of Rs. 30 drawn by Sub-Inspectors of Police is not forfeited when daily allowance is drawn.	
Circle Inspectors, Howrah and Golabari Circles	30
Nine Head Constables, Darjeeling (pony allowance)	20
Four Inspectors, Criminal Investigation Department	30
Three Sub-Inspectors, Criminal Investigation Department	30

				Rate of conveyance allowances
	<i>For River Police (Narayanganj).</i>			Rs.
Police—concl'd.				
Five Inspectors	30
Thirty-four Sub-Inspectors	15
Thirty-four Head Constables and Assistant Sub-Inspectors	
Constables	
Port and Pilotage—				
First Engineer and Shipwright-Surveyor, Calcutta	150
Second Engineer and Shipwright-Surveyor, Calcutta	150
Third Engineer and Shipwright-Surveyor, Calcutta	100
Port Officer, Calcutta	100
Assistant Shipping Master, Calcutta	30
Banking Clerk of the Branch Shipping Office, Kidderpore	24
Agent for Government Consignments, Calcutta	5
Assistant Agent for Government Consignments	30
Engineer and Shipwright-Surveyor, Chittagong	30
Inspecting Staff of the Agent for Government Consignments, Calcutta—				
Head Inspector	45
Senior Sub-Inspector	30
Junior Sub-Inspector	30
Overseer	
Education—				
Director of Public Instruction, Bengal, on condition that he keeps and maintains a motor-car	100
Inspectresses of Schools, Dacca, Rajshahi and Chittagong Divisions	33
Sub-Divisional Inspectors of Schools, Calcutta	33
Inspectress of Schools, Presidency and Burdwan Divisions and European Girls' Schools, Bengal, provided she keeps a motor-car	100
Principal, Bengal Engineering College, on condition that he keeps and maintains a motor-car	
Inspector of European Schools, <i>stationed in Calcutta for journey in Calcutta and suburbs</i>	30
Sub-Inspectors of Schools, Calcutta	30
Principal, David Hare Training College	20
Inspector or Additional Inspector of Schools in charge of Calcutta Schools	35
District Inspector of Schools, Calcutta	33
Inspector of Residence of Medical College Students in Calcutta	30
Governesses (three) engaged in the instruction of Zenana classes at Dacca	30
One Urdu Zenana Governess, Dacca	30
Assistant Inspector of Schools, Dacca and Comilla, each	30
Special Assistant Inspector of Schools, Calcutta	45
One Inspecting Moulvie in Calcutta	15
Pandits, employed for the inspection of Pashals in connection with the scheme for the administration of Primary Education in Calcutta	5
Sub-Inspector of Schools, Sedar Circle, Howrah (subject to the condition that the maximum monthly allowance of Rs. 30 sanctioned is not exceeded)	15
Assistant Inspector of Schools, Muhammadan, Education, Presidency Division	10
Inspector of Residence of Students, Dacca	30
Two Governesses, Bogra, one Zenana Governess, Jalpaiguri, Tippera, Faridpur, Mymensingh, Rangpur, Chittagong and Noakhali, each	20

		Rate of conveyance allowances.
	Rs.	
Medical—		
Medical Inspector, Emigrants, Calcutta (Inland Emigration)	60	
Assistant to the Civil Surgeon, 24-Parganas	20	
Superintendent and Medical Officer of the Albert Victor Asylum for Lepers, Gobra, Calcutta	15	
Assistant Surgeon in charge of the Police Ward of the Dacca Mitford Hospital (provided his rank is not higher than that of 3rd grade Assistant Surgeon)	10	
Military Hospital Assistant attached to Survey parties, Bengal (subject to the condition that in the place of fixed conveyance allowance, the usual daily allowance is admissible to them during the field season, and an increased rate of horse allowance at Rs. 15 per mensem during the recess)	7½	
Sub-Assistant Surgeons placed in temporary charge of a Civil Station in the absence of the Civil Surgeon of 24-Parganas from Headquarters on inspection duty for more than 7 months	25	
Public Health—		
Special Inspector of Vaccination, Western Bengal	25	
Health Officer of the Port of Calcutta—		
Two-seated car	100	
Four-seated car	150	
Assistant Director of Public Health for School Hygiene	35	
Medical Inspector of Schools	35	
Medical Inspectress of Schools	35	

For Inspectors and Sub-Inspectors of Vaccination, the districts in the Presidency of Bengal are divided into two classes, viz., (a) dry districts and (b) wet or river districts, thus—

(a) *Dry Districts*—

1. Burdwan.	9. Dinajpur.
2. Birbhum.	10. Jalpaiguri.
3. Bankura.	11. Rangpur.
4. Midnapore.	12. Bogra.
5. Hooghly.	13. Pabna.
6. Nadia.	14. Malda.
7. Murshidabad.	15. Darjeeling.
8. Rajshahi.	16. Chittagong.
17. Tippera.	

(b) *Wet or River Districts*—

1. Howrah.	6. Mymensingh.
2. 24-Parganas.	7. Faridpur.
3. Jessore.	8. Bakarganj.
4. Khulna.	9. Noakhali.
5. Dacca.	10. Chittagong Hill Tracts.

2. In dry districts each Inspector of Vaccination is permitted to draw—

- (i) the travelling allowance admissible under the rules for journeys by rail or steamer or both ; no mileage allowance is allowed ;
- (ii) a pony allowance of Rs. 20 per mensem when a pony is actually maintained ;
- (iii) a daily allowance of annas 12 except in the Darjeeling district where Re. 1.8 is allowed.

Public Health—concl.

3. Each Sub-Inspector should draw travelling and pony allowance as in rule 2(i) and (ii) and a daily allowance of annas 8 except in the Darjeeling district where Re. 1 is allowed.

4. In wet or river districts each Inspector of Vaccination is entitled to mileage allowance without any restrictions as to the distance travelled, but subject to the maximum of Rs. 40 per mensem during the working season (October to March) and of Rs. 20 per mensem during the recess (April to September).

5. Rule 4 also applies to a Sub-Inspector except that the maximum mileage allowance in his case is limited to Rs. 30 per mensem during the working season and Rs. 15 per mensem during the recess.

NOTE.—The maximum limits prescribed in rules 4 and 5 have been increased by 50 per cent. in case of Chittagong Hill Tracts.

Industries—

Industrial Engineer .....	..	100
Electrical Inspector to the Government of Bengal .....	..	35

Miscellaneous Department—

Protector of Emigrants and Superintendent of Emigration, Calcutta .....	..	100
Arms Act Inspector, Calcutta, for inspecting places, licensed for the storage of petroleum and carbide of calcium in the town and its suburbs .....	..	50
Arboricultural Expert, Bengal .....	..	30
European Assistant Gardeners of Cinchona Plantation, Darjeeling .....	..	20
Curator of the Loyd Botanical Garden at Darjeeling .....	..	30
Assistant Superintendent of the Cinchona Plantation, Darjeeling .....	..	40
Manager, Cinchona Plantation, Kurwong, for maintaining two ponies .....	..	60
Assistant Manager, Cinchona Plantation, Kurwong .....	..	30
Chief Inspector of Factories, Bengal	{ two-seated car four-seated car	100 150
Inspectors of Factories, Bengal .....	..	100
Chief Inspector of Smoke Nuisances in Bengal for 4-seated motor-car .....	..	150

For inspection of factories situated within a radius of 5 miles from headquarters, subject to production of a certificate of maintenance of a 4-seated motor-car.

Chief Inspector of Boilers, Bengal, for a 4-seated motor-car .....	..	150
Assistant Inspector of Boilers, subject to maintenance of a motor-car .....	..	100
Labour Intelligence Officer, for a 4-seated motor-car .....	..	150
Certifying Surgeon of Factories, subject to maintenance of a motor-car .....	..	100
Assistant Electric Inspector .....	..	50
Electrical Adviser and Chief Electric Inspector (according as a motor-car is maintained or not.) .....	..	75 or 35
Two Assistant Electric Inspectors, Class III .....	..	20

Stationery and Printing—

Superintendent, Government Printing, Bengal	80
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So long as he is employed on the duty of supervising the work of the two branches of the Bengal Secretariat Press at Sealdah and No. 13, Klysium Row, Calcutta.

					Rate of conveyance allowances.
					Rs.
Public Works and Irrigation Departments—					
Executive Engineer, 1st Calcutta Division, 2nd Calcutta Division, 3rd Calcutta Division	..	..	..	..	75
Executive Engineer, Electrical Division	..	..	..	..	75
Electrician, Dacca	..	..	..	..	50
Plumbing Experts	..	..	..	..	50
Upper Subordinates	..	..	..	..	30
Overseers of the Subordinate Engineering Service and Lower Subordinates (to be increased to Rs. 22.8 when fodder sells dearer than 12 seers per rupee)	..	..	..	..	15
Jilladars (to be increased to Rs. 22.8 when gram sells dearer than 12 seers per rupee)	..	..	..	..	15
Sub-Assistant Surgeons (to be increased to Rs. 22.8 when fodder sells dearer than 12 seers per rupee)	..	..	..	..	15
Cashier	..	..	..	..	15
Members of the Subordinate Engineering Service employed in the district of Darjeeling or in Sikkim and Lower Subordinates in that district or in Sikkim (for the maintenance of a pony)	..	..	..	..	30
Assistant Engineer, Electrical Division	..	..	..	..	30

APPENDIX No. 6

(F. R. 44, S. R. 57.)

List of Daily Allowances.

(See the note at the top of Appendix No. 7.)

Designation of officers.	Rate of daily allowance.
	Rs. A.
Land Revenue—	
Director of Land Records	7 8
Settlement Officers, Assistant Settlement Officers, Assistant Director of Surveys, Officers of the Bengal Provincial Service of the Survey of India, Deputy Collectors and Sub-Deputy Collectors employed on survey work in Bengal—	
Officers on Rs. 750 or upwards	7 8
Officers below Rs. 750	50 per cent. more than ordinary rate subject to a maximum of Rs. 5.
Deputy Collectors and Sub-Deputy Collectors employed exclusively on land acquisition or partition work and Sub-Deputy Collectors in the Western Duars of Jalpaiguri—	
Officers on pay above Rs. 750 .. .	7 8
Officers on Rs. 750 or less .. .	50 per cent. more than ordinary rate subject to a maximum of Rs. 5.
Sub-Deputy Collectors in charge of the Khas Mahals in the district of Faridpur	50 per cent. more than ordinary rates, subject to a maximum of Rs. 5.
Excise and Salt—	
Commissioner of Excise and Salt	7 8
Deputy Commissioner of Excise and Salt .. .	7 8
First class Superintendents of Excise and Salt .. .	7 8
Second Class Superintendents of Excise and Salt and Inspectors in charge of a district	50 per cent. more than ordinary rates, subject to a maximum of Rs. 5.
Other Second Class Officers	50 per cent. more than ordinary rates, subject to a maximum of Rs. 3-8.
Third Class Officers	Rs. A. 2 0/-

NOTE.—The allowance to Sub-Inspector is admissible for all days spent on tour for which travelling allowance is admissible but no mileage will be allowed except for journeys by rail or steamer, in which case a single fare of the class to which the officer belongs plus a single lowest class fare for a servant when actually taken, may be allowed.

Designation of officers.	Rate of daily allowance.
Excise and Salt —concl'd.	Rs. A.
Petty Officers of Excise and Salt Department	0 6
NOTE. —The allowance is admissible for all days spent on tour for which travelling allowance is admissible but no mileage is allowed for, except for journeys by rail or steamer, in which case a single fare of the class to which the officer belongs may be allowed. When a boat is actually hired, actual expenses may be allowed in addition to the allowance.	
Forests —	Rs. A.
Conservator of Forests	7 8
Extra Assistant Conservators and Probationers in the Provincial Forest Service	50 per cent. more than ordinary rates, subject to a maximum of Rs. 5.
All other officers of classes below the first	One-third greater than the ordinary rates.
Registration —	Rs. A.
Inspector-General of Registration	7 8
Inspector of Registration Offices	5 0
General Administration —	
Secretary to the local Government	7 8
Member of the Board of Revenue	7 8
District Officers (Collectors and Commissioners)	7 8
Deputy Secretaries to Government and Secretary to the Board of Revenue	7 8
Permanent and temporary porters deputed to accompany remittances to Calcutta	1 0
Assistant accompanying His Excellency or a Secretary to Government who accompanies His Excellency on tour—	
(i) If his pay exceeds Rs. 125 per mensem	The rates laid down in S. R. 56.
(ii) If his pay is Rs. 125 or under	Half of pay, subject to a maximum rate of Rs. 50 and a minimum rate of Rs. 30 per mensem.
✓ Menials attending His Excellency, Hon'ble Members and Ministers and Secretaries on tour	4 annas a day within the province and 8 annas a day when travelling extends over more than one province.
NOTE. —The allowances will be admissible from the date of leaving headquarters to the date of return thereto.	
Administration of Justice —	Rs. A.
Judges of the High Court	15 0
District and Sessions Judges, including the Legal Remembrancer—	
(i) when travelling with camp equipment	7 8
(ii) when travelling without camp equipment	7 8

Designation of officers.	Rate of daily allowance. Rs. A.
Jails—	
Inspector-General of Prisons	7 8
Police—	
Inspector-General of Police	7 8
Deputy Inspectors-General of Police	7 8
Commissioner of Police, Calcutta	7 8
Constables	0 4
Education—	
Director of Public Instruction	7 8
Sub-Inspectors of Schools, subject to the condition that no mileage is admissible and that the total amount drawn in any one month does not exceed Rs. 48	2 0
Assistant Sub-Inspectors of Schools, subject to the condition that no mileage is admissible and that the total amount drawn in any one month does not exceed Rs. 36	1 8
Medical—	
Surgeon-General with the Government of Bengal	7 8
Public Health—	
Director of Public Health	7 8
Chief Engineer, Public Health Department	7 8
Agriculture—	
Director of Agriculture	7 8
Registrar, Co-operative Societies	7 8
Veterinary Adviser	7 8
Industries—	
Director of Industries	7 8
Public Works—	
Chief Engineer (Public Works and Irrigation)	7 8
Superintending Engineers	7 8
Inspectors of Lightning Conductor, Bengal, when travelling in Bengal, Bihar and Orissa	2 0
NOTE.—The allowance is increased to Rs. 3 when travelling in Assam.	
Miscellaneous—	
Commissioner for Workmen's Compensation, Bengal	7 5

APPENDIX No. 7

(F. R. 44, S. R. 61.)

**List of Special Rates of Daily Allowances and Mileage Admissible
for Journeys in Special Localities.**

In the localities mentioned below, daily allowances are subject to increase in the proportion stated. The rate of allowance of an officer who spends part of a day in one of those localities and part in a place in which the ordinary rate prevails is determined according to the place where he halts after the journey. For journeys in the localities in which such officers are eligible under this Appendix to draw special rates of daily allowance, officers mentioned in Appendix 6 may, at their option, draw daily allowance either at the rates admissible under Appendix 6 or at the rates admissible under this Appendix.

Localities.	Special rates admissible.
Darjeeling district, except the Siliguri subdivision and Calcutta (that is, the area within the limits of jurisdiction of the Calcutta Corporation).	Double rate of daily allowance ordinarily admissible subject to a maximum of Rs. 12.

NOTE.—The postlar attached to the Siliguri Sub-Treasury when accompanying remittance to Darjeeling—Re. 1-8 as daily allowance.

River districts in Eastern and Western Bengal.

Sub-Inspectors of Schools employed in a river district may be granted by the Commissioner of Division a boat allowance not exceeding Rs. 40 a month during the marching season, subject to the condition that no allowance except railway fare may be drawn in addition to this allowance.

The following allowances in the four cases noted below have also been sanctioned to Sub-Inspectors of Schools for the places specified :—

1. Dacca and Bakarganj districts	} Rs. 40 a month during the whole year.
2. Sadar and Madaripore subdivisions of Faridpur.	
3. Goalundo subdivision	} Rs. 40 a month from June to November.
4. Mymensingh district	} Rs. 40 a month from June to October.

Chittagong Division

Rs. 40 a month from 15th June to 15th November, provided boats are actually kept up, but under special circumstances the allowance may be granted outside this period on certificate that boats were kept up and paid for during the period covered by the claim.

Khulna, Jessor and 24-Parganas.

For journeys by boat and not by steamer half as much again or 50 per cent. on the ordinary rate of daily allowance, provided a certificate of maintenance of the boat is furnished.

Localities.**Special rates admissible.****Hill Tippera**

Officers travelling within the State of Hill Tippera get their travelling and daily allowance increased by 50 per cent.

Chittagong and Dacca Divisions and Pabna district and the Arambagh subdivision of Hooghly district.

For journeys by boat only, additional 50 per cent. in daily allowance.

N.B.—These rates are intended to cover the expenses involved in the hiring of private boats only and are not admissible for journeys by steamers in these districts, but officers may draw at these rates when they travel in Government boats for which they pay a daily rate of hire and have to maintain a crew. Certificate must be given that the boat was retained.

All classes of Forest Officers serving in the Chittagong Collectorate, an increase of 50 per cent. of daily rate of travelling allowance, whether they travel by boat or land.

Chittagong Hill Tracts

Additional 50 per cent. on daily allowance and mileage.

APPENDIX No. 8

(F. R. 44, S. R. 64.)

List of Headquarters of Different Government Servants.**PART I.****Government servants.****Headquarters****9.—Registration.**

1. Inspector of Registration Offices Calcutta.

24.—Administration of Justice.

2. Additional District and Sessions Judge--

(1) Chittagong and Tippera .. Comilla.
 (2) Jemore and Khulna .. Khulna.

3. Judge, Small Cause Courts, Howrah, Hooghly, Serampore Serampore.

26.—Police.

4. Superintendent of Police, East Indian Railway ..	Howrah.
5. Superintendent of Police, Bengal-Nagpur Railway ..	Kharagpur.
6. Superintendent of Police, Eastern Bengal Railway ..	Sealdah.
7. Superintendent of Police, Eastern Bengal Railway, Saidpur.	Saidpur.
8. Police Officers under the Deputy Commissioners of Police, Southern Divisions—Suburbs.	Collector's Court Alipore.
9. Superintendent of River Police ..	Dacca.
10. Commandant, Eastern Frontiers Rifles, Dacca ..	Dacca.

31.—Education.

11. Assistant Inspectors of Schools for Muhammadan Education.	Divisional quarters.	Head-
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33.—Public Health.

12. Director, Bengal Public Health Laboratory ..	Calcutta.
13. Assistant Director of Public Health, Presidency Circle ..	Calcutta.
14. Assistant Director of Public Health, Burdwan Circle ..	Calcutta.
15. Assistant Director of Public Health, Dacca Circle ..	Dacca.
16. Assistant Director of Public Health, Rajshahi Circle ..	Jalpaiguri.
17. Assistant Director of Public Health, Malaria Research, Eastern and Western Bengal.	Calcutta.
18. Assistant Director of Public Health, School Hygiene ..	Calcutta.
19. Assistant Director of Public Health, Vaccination and Vital Statistics.	Calcutta.
20. Medical Inspector of Schools	Calcutta.
21. Inspector of Septic Tank Installation	Calcutta.
22. Entomologist	Calcutta.
23. Executive Engineer, Public Health Department, Dacca Division.	Dacca.
24. Other Executive Engineers, Public Health Department ..	Calcutta.
25. Port Health Officer	Calcutta.
26. Three Assistant Port Health Officers	Calcutta.
27. Superintendent, Bengal Vaccine Depot	Calcutta.
28. Publicity Officer	Calcutta
29. Medical Inspector of Schools	Calcutta
30. Officer in charge, Branch Public Health Laboratory ..	Dacca.
31. Port Health Officer	Chittagong.

Government servants.

Headquarters.

34.—Agriculture.

32. Director, Civil Veterinary Department .. .	Dacca.
33. Deputy Director of Agriculture, Western Circle, Burdwan and Presidency Divisions.	Calcutta.
34. Deputy Director of Agriculture, Eastern Circle, Dacca and Chittagong Divisions.	Dacca.
35. Deputy Director of Agriculture, Northern Circle, Rajshahi Division.	Rangpur.
36. Deputy Collector on special duty in the Co-operative Department in charge of work of Rajshahi Division.	Naogaon (Rajshahi).
37. Deputy Registrar of Co-operative Societies .. .	Calcutta.
38. Fibre Expert to Government .. .	Dacca.

37.—Miscellaneous Departments.

39. Officers moving with the local Government	Calcutta, Dacca Darjeeling.
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List of Headquarters with Jurisdiction.

PART II.

Designation.	Headquarters.	Jurisdictions.
1. Assistant Inspectress, Presidency Division.	Calcutta	24. Parganas, Jessor and Khulna.
2. Assistant Inspectress, Burdwan Division.	Burdwan	Hooghly, Burdwan and Birbhum.
3. Assistant Inspectress, Dacca .. .	Dacca	Dacca and Mymensingh.
4. Assistant Inspectress, Comilla .. .	Comilla	Chittagong Division.
5. Assistant Inspectress, Rajshahi .. .	Jalpaiguri	Rajshahi Division.
6. Special Assistant Inspectress of Schools, Calcutta.	Calcutta	Calcutta.
7. Assistant Inspectress for Zenana Work and Muhammadan Education for the Presidency and Burdwan Divisions.	Calcutta	Presidency and Burdwan Divisions.
8. Additional Assistant Inspectress of Schools, Presidency Division.	Berhampore	Murshidabad and Nadia.
9. Additional Assistant Inspectress of Schools, Burdwan Division.	Midnapore	Howrah, Bankura and Midnapore.
10. Additional Assistant Inspectress of Schools, Dacca Division.	Faridpur	Faridpur and Bakarganj.

APPENDIX No. 9

(F. R. 44, S. R. 65.)

List showing the spheres of duty of different Government servants.

No.	Designation.	Place or places where the officer may proceed.	Purpose of journey.	Remarks.
1	Excise and Salt Peons	District in which they serve, and not merely the circle in which they are employed.	....	....
2	All Superintendents of Police.	Within or without the province.	Attending co-operation meetings held in accordance with Rule 17, Chapter II of the Bengal Police Code.	The travelling allowance bills in every such case should be countersigned by the Inspector-General of Police instead of by the District Officer.
3	Deputy Inspector-General, Criminal Investigation Department.	Beyond the limits of province.	On public duty as occasion may arise.	A report should be made to the Audit office on each occasion that the journey performed beyond jurisdiction is in accordance with the general order. N.B.—He may make journey to Calcutta whenever the exigencies of public service require such a journey.
4	Superintendent, Railway Police, Saldpur.	Saldah in Bengal ..	When necessary in the exigencies of the public service.	....
5	Inspectors of Police ..	Area comprised within the several police-stations they inspect.	....	....
6	Sub-Inspectors of Police and Head Constables.	Police-station to which they are attached.	....	....
7	Court Sub-Inspectors	Area of the police-station within the limits of which the Court to which they are attached is situated.	....	....
8	Constables ..	Conterminous with the limits of the police-station to which they are attached or within which they are employed.	....	....
9	Constables attached to Reserve.	Conterminous with the jurisdiction of the Inspector within whose circle the Reserve is situated.	....	....
10	Sergeants, Sub-Inspectors and Head Constables attached to Court, Reserve or Town.	Police-station within the limits of which such Court, Reserve or Town is situated.	....	....
11	Officers of all ranks employed in the Criminal Investigation Department (including the Intelligence Branch.)	City of Calcutta ..	....	....

No. of item	Designation.	Place or places where the officer may proceed.	Purpose of journey.	Remarks.
12	Court, Reserve or Town Inspectors.	Headquarters of the stations to which they are attached.	....	....
13	Subordinate Police Officers in all D. I. B. and District Po- lice, Detective De- partments at Alipore and Howrah.	Headquarters stations of the district to which they are attached.	....	....
14	Registrar, Co-operative Societies.	Beyond the limits of the province.	To attend the annual conferences of Pro- vincial Registrars.	....
15	Colonisation Officer, Bakarganj.	The following Khas Mahal Circles :— Sundarbans No. VII. Amtali No. VI. Galachipa No. VIII.	....	....

APPENDIX No. 10

(F. R. 44, S. R. 69.)

List of Officers not entitled to Travelling Allowance for Journeys on Tour.***Land Revenue—***

1. Kanungoes in the Bakarganj district. Kanungoes in the Bakarganj district are entitled to a fixed monthly travelling allowance of Rs. 55 subject to the production of a certificate to the effect that a boat and a crew of three men were kept for all the days for which the allowance is claimed. The rate may be raised to Rs. 70 or Rs. 85, according as they are directed by the Collector to maintain a boat with a crew of four or five men, respectively, and on presenting a certificate to the effect that such a boat was maintained for all the days for which the allowance is claimed.

2. Khanapuri Kanungoes temporarily appointed for settlement duty. Entitled to no travelling allowance except actual railway fare of their class when travelling on duty by rail.

3. Tahsildars and Tahsili Officials. All clerks and Mohurris attached to Tahsil offices are not entitled to travelling allowance except as follows :—

Tahsildar and Tahsili officials in Chittagong Division and Wood Mohurris in the district of Jalpaiguri are entitled to travelling allowance. Tahsildars in the Dacca Division and the Tahsildar of Chandkhali in the district of Khulna are entitled to travelling allowance for journeys by boat. Khas Mahal Tahsildars of the Dacca Division are entitled to halting allowance for halts made in the course of a journey by boat on production of a certificate from the Controlling Officer that the hire of the boats had to be paid during each such halt.

Tahsili officials whose duties are not immediately directed to the collection of rent, may be allowed to draw travelling allowance under the ordinary rules by the Board of Revenue, if the latter are satisfied in each case that the pay of the official concerned was not fixed so as to compensate him for ordinary journeys other than journeys by rail or steamer.

NOTE.— During the periods mentioned, the following monthly rates of boat allowance may be drawn, in lieu of travelling allowance or daily allowance, by Khas Mahal Tahsildars in the areas stated, provided they are on tour in the calendar month for the number of days stated—

Area.	Period.	Amount.	Number of days.
1. Sadar and Tangail subdivisions of Mymensingh district.	August to October	40 0	20
2. Sadar, Algi, Narayanganj, Padma and Meghna circles of Dacca district.	(a) August to November	40 0	20
	(b) December to March	22 8	15
	(c) April to July	7 8	5

Excise and Salt—

4. Peons (Rs. 14—19) of the combined Excise and Salt Department. Entitled only to actual expenses on account of boat hire and ferry charges when the journey is confined to the police-station in which their headquarters are situated.

Forest—

5. (i) **Rangers in charge of Ranges, Deputy Rangers whether in charge of Ranges or not and Foresters not in charge of Ranges, in Northern Bengal.**
Entitled to daily allowance at ordinary rates for journeys on duty when they involve halts away from headquarters.

(ii) **Other Deputy Rangers and Foresters not in charge of Ranges and Forest Guards.**
Entitled to travelling allowance at ordinary rate under orders of the local Government, when their duties necessitate keeping of a horse or a pony or other carriage.

*Registration—*6. **Registrar**

Any sum received by a District Registrar of Births, Deaths and Marriages, as travelling expenses for attendances at a private residence from those at whose request the visit is paid, may be appropriated by the District Registrar, but for such attendances, he is not entitled to any travelling allowance from Government.

*Administration of Justice—*7. **Process-servers and Bailiffs.**

Process-servers and Bailiffs employed in Civil, Criminal and Revenue Courts are not entitled to travelling allowance except for journeys by rail or steamer.

They are exempted when travelling on duty from the payment of ferry tolls.

NOTE.—Revenue Nazirs and Naib Nazirs are not included in this entry and are entitled to travelling allowance for journeys in the interior of the district.

*Police*8. **Police Officers and men of all grades (including those employed in the Criminal Intelligence Department*) below the rank of Inspectors, with the undermentioned exceptions --**

Entitled to have their necessary baggage, including utensils, conveyed at Government expense when employed on escort duty.

(i) **Officers of and below the rank of Sub-Inspectors.**

(1) Entitled to draw daily allowance at the ordinary rates for all journeys on duty of more than 15 miles from their headquarters, provided that, in the case of officers attached to a police-station, the place to which they travel is beyond the limits of the police-station.

(2) In special cases where an officer is required to make rapid journey by road, actual reasonable expenses may be allowed by the local Government.

(3) The fixed conveyance or horse allowance drawn by Sub-Inspectors will not be affected by the grant of daily allowance.

(ii) **Head Constables and Constables, who are not in receipt of permanent monthly travelling allowance.**

May draw actual expenses for journeys by boat where this is the ordinary mode of travelling.

*The ordinary jurisdiction of this establishment is confined to a radius of 20 miles from the headquarters of each sub-agency.

Police—concl'd.

(iii) Constables of the River Police when deputed to travel on inland passenger steamers.

(iv) Native officers, non-commissioned officers and men of the Military Police.

(v) Police officers and men employed in the District Intelligence Branches and the District Police Detective Departments.

Entitled to draw a daily allowance of 4 annas in addition to a free pass or the amount of the fare for every day on which they are absent from headquarters for more than 8 hours.

May charge for the conveyance of their baggage in all cases in which journeys are undertaken on duty under proper authority when permanent transport is not available and when the conveyance of baggage is certified to be necessary. This concession applies also to journeys on duty beyond jurisdiction and to journeys on transfer from one district to another, except where double railway fare is allowed. May also draw actual expenses for journeys by boat where this is the ordinary mode of travelling.

Entitled to travelling allowance at the ordinary rates for any journey on tour of more than 5 miles from the headquarters of the district to which attached, provided that, except in the case of officers posted at Alipore, Howrah or Dacca, no conveyance allowance is drawn.

Agriculture—**9. Members of the Department of Agriculture.**

Members of the Department who are not selected as Members of the Board of Agriculture, and who attend the meeting at Pusa in the capacity of visitors, should be treated as on duty on those occasions and should be allowed travelling allowance under the ordinary rules.

Public Works and Irrigation Departments—

10. (i) Petty establishments expressly engaged for service in the field.

(ii) Members of the Subordinate Engineering Service and Lower Subordinates.

(iii) Tahsildars and Tahsil peons in the Irrigation Department.

The local Government in case of doubt may decide whether any particular officer or class of officers comes within this term or not.

May be granted conveyance allowance. Under the special order of the Executive or Assistant Executive Engineer they may also draw (1) mileage allowance, or (2) for boat journeys in the district of 24-Parganas, actual boat hire not exceeding Rs. 3 per diem.

The Tahsildar in charge of Contai circle is entitled to a conveyance allowance of Rs. 15 per month.

APPENDIX No. 11

(F. R. 44, S. R. 78.)

List of Government Servants who have been exempted from the Operation of the Rule for 10 Days' Halt at One Place.

Officers exempted wholly or partially.

All Departments—

Menial servants None.

Land Revenue—

All officers and their establishments working under the supervision of the Director of Land Records, if employed on the work of attestation, assessment of revenue and case work. Up to a limit of 30 days.

All other officers working under the supervision of the Director of Land Records (including all permanent or probationary officers deputed for training in survey and settlement). The Director of Land Records may exempt up to a limit of 30 days. His order is required in each case as no general exemption has been made.

NOTE.—The above order applies to the officers working in all settlement operations placed under the control of the Director of Land Records. In the smaller settlements the Collector is *ex-officio* Settlement Officer by virtue of rule 46 of the rules under the Bengal Tenancy Act.

Forests—

Officers of the Forest Department and their establishments. On the understanding that they maintain camp equipage.

Forest officers of the rank of Extra Assistant Conservator and upwards. Serving in the Sunderbans Division, subject to the condition that they draw half the daily allowance.

Audit—

Local Auditors and Assistant Local Auditors in Bengal. None.

General Administration—

All ministerial officers required to accompany on tour the staff of the Governor, the Member of the Board of Revenue, a Commissioner of Division, a Secretary to Government and a Head of a Department. Officers who draw the bill must certify that the prolonged halt was necessary in the interest of the public service, and that condition of clause (a) or (b) of Subsidiary Rule 78 has been satisfied.

NOTE.—The Sub-Assistant Surgeon and the chauffeur attached to the Governor's staff are exempted from the operation of S. R. 78 in respect of halts made by them while on tour with the Governor.

Clerks and Menials of Commissioners of Divisions. When required to accompany Commissioners on tour of inspection.

Administration of Justice—

All District and Sessions Judges in Bengal with their establishments. While holding sessions.

Additional District and Sessions Judges of Decca and Tippera with their establishments. When the Judge holds his Courts at Comilla.

District and Sessions Judge of Hooghly with his establishment. When the Judge holds his Courts at Howrah.

Officers exempted wholly or partially.	Conditions.
<i>Administration of Justice—concl'd.</i>	
Additional District and Sessions Judge of Chittagong and Tippera with his establishment.	At Chittagong.
Additional District and Sessions Judge of Dacca and Faridpur with his establishment.	At Faridpur.
Additional District and Sessions Judges of Midnapore and Burdwan.	At Burdwan and Birbhum.
Additional District and Sessions Judges of Khulna and Jessore.	Jessore.
Additional Judges of 24-Parganas and Hooghly.	Howrah.
Subordinate Judge of Dinajpur and his establishment (1 Peshkar, 2 Mohur-ris, 1 Chaprasui).	When holding periodical sittings at Jalpaiguri.
Interpreter of the office of the Deputy Commissioner of Darjeeling.	On special duty in Independent Sikkim.
Subordinate Judges, Munsifs and their establishments.	Temporarily transferred on duty to another station. Allowance at full daily rates for the first month and at half rates for the second and third months.
<i>Police—</i>	
Subordinate Police officers attached to the Criminal Intelligence Department.	Half daily allowance after 10 days and no allowances after expiry of 60 days.
Police or any other officer attending a fair, darbar or agricultural exhibition.	Must maintain camp equipage and Magistrate of district must certify that their presence was necessary.
<i>Education—</i>	
Officers belonging to Sibpur Engineering College.	On deputation to stations outside of Howrah for the purpose of giving instructions in surveying to their pupils.
<i>Medical—</i>	
Any or all of the Medical Officers and Subordinates.	Attending Malaria Classes.
Civil Surgeons and other Medical officers deputed to conduct the annual license examinations.	Surgeon-General to local Government may exempt them, subject to maximum limit of 20 days. Surgeon-General's order is required in each case as no general exemption has been made.
<i>Co-operative Societies—</i>	
Registrar Co-operative Societies, his Assistant and his establishment, including Honorary Organisers.	For all halts not exceeding 20 days at one place, subject to production of certificate on the occasion of each halt, that camp equipage has been maintained.
<i>Public Works Department—</i>	
Lower Subordinates attached to the Archaeological Survey of India.	Full daily allowance up to 30 days and thereafter daily allowance at half rates up to 30 days.

APPENDIX No. 12

[F. R. 44, S. R. 99 (b).]

List of Government servants authorised to sanction the carriage by rail or steamer, at Government cost, of camp equipment and horses of their own, and Government servants under them subject to the limitations noted against each.

Authority.	Officers.	Camp equipment limits.	Horses.
Director of Land Records and Surveys.	For himself	Maximum mauluds.	No.
	Settlement and Assistant Settlement officers	35	3
	Officers deputed to Settlement Training Camp	20	3
	Other officers	10	1
	Officers of the Imperial and Provincial Services of the Survey of India Department	5	1
	Officers of the Imperial and Provincial Services of the Survey of India Department re-employed	20	3
	Officers of the Provincial and Subordinate Survey Service and Supervisors	20	3
Divisional Commissioners ..	Officers returning from a Settlement Training Camp on expiry of the period of deputation	10	1
Commissioner of Excise and Salt.	For himself	35	3
	Deputy Commissioners	25	2
	Superintendents	20	2
	Inspectors	15	2
Inspector-General of Police	For himself	35	3
	Deputy Inspectors-General of Police	35	2
	Superintendents or Assistant and Deputy Superintendents of Police	25	2
	Commandants and Assistant Commandants of Eastern Frontier Rifles	25	2

Authority.	Officers.	Camp equipment limits.	Horses.
Director of Public Instruction.	For Inspectors of Schools ..	..	Maximum maunds. 1 motor cycle.
Director of Agriculture ..	For himself ..	35	3
	Officers of the Imperial Agricultural and Veterinary Services ..	20	2
	Officers of the Provincial Agricultural and Veterinary Services, the Mycological and Entomological Collector, the Superintendent of Sericulture, the Sericultural Superintendent, Mirganj, and the Weaving Master ..	5	1
Registrar of Co-operative Societies.	For himself ..	20	2
	Officers of the Department ..	10	1
Conservator of Forests ..	For himself ..	20	2
	Deputy Conservators, Assistant Conservators, and officers of Provincial Service when in charge of a Forest Division ..	20	2
	Assistant Conservators and officers of Provincial Service when not in charge of a Forest Division ..	10	1
Superintending Engineer ..	For himself ..	35	2
	Executive Engineers ..	25	One motor-cycle and side-car.
	Assistant Engineer ..	20	
	Other officers ..	5	

APPENDIX No. 13

(F. R. 44, S. R. 28.)

List of special cases in which conveyance hire has been granted.

1. The clerk of the Additional Judge of the 24-Parganas is allowed actual conveyance hire between Alipore and Howrah while the sessions are held at the latter place.

2. The Jailor of the Presidency Jail, Alipore, may draw carriage hire at the rate of Re. 1-8 a day for journeys to and from the High Court on duty.

3. A subordinate officer of the Calcutta Town and Suburban Police draws actual conveyance hire when travelling on duty within a short distance of headquarters in the following cases, provided always that, whenever practicable, the tramway cars shall be used and not hackney carriages :—

- (a) To any Court and back to quarters, when attending Court on duty, or to give evidence, provided the quarters are not near to the Court.
- (b) When directed by the Court to serve any immediate process.
- (c) When directed to bring a witness who is immediately required in Court.
- (d) When taking to and from Court, prosecutor, prisoner, or witness who is unable, from illness, injuries, or any other good cause, to walk to and from the Court and who has no money.
- (e) When proceeding to ships in harbour by the direction of a Magistrate and for serving processes of the Court in Marine cases, whenever such expenses are not recoverable from the parties concerned. In this case boat hire may also be sanctioned when necessary.
- (f) When bringing European or any other prisoners, whom it may not be safe to lead along the public streets, from jail, etc., and taking them back.
- (g) When required to go on duties which the Commissioner of Police may certify to be emergent.
- (h) In the case of heinous offences or other crimes which, in accordance with standing Police rules, have to be investigated on the spot by European officers or detectives.
- (i) When searching for or pursuing escaped criminal.
- (j) When employed upon special duty in connection with the Muharram, or to preserve order at any place of public resort, worship, entertainment, or public gathering, provided that the distance exceeds one mile and the Commissioner certifies that the charge is necessary.
- (k) In the case of European members of the Police Force not drawing permanent horse or conveyance allowance, to and from their headquarters, when employed on any of the duties mentioned in the preceding rules, or when required to attend the Commissioner's office, provided the Commissioner certifies that the charge is necessary.

4. The Deputy Shipping Master, Calcutta, is entitled to actual travelling expenses for boarding vessels for the purposes of shipping and discharging crews and inspecting provisions, etc.

5. Opium Factory Assistant while supervising unloading, etc., of the opium chests in Calcutta or Howrah—

For Calcutta—Conveyance allowance of Rs. 2 a day.

For Howrah—Conveyance allowance of Re. 1 a day (in addition to any other travelling allowance).

6. (a) Inspector of the Preventive Department, Calcutta Custom House, deputed to inspect the Salt Registers, etc., of the manufacturers of salt, alkali or hydro-chloric acid—Actual conveyance hire for journeys to and from the manufactories.

(b) Six Customs Preventive Officers employed on shore patrol duty on the Calcutta side of the river Hooghly—Allowance of Re. 1 each per diem on account of carriage or boat hire.

7. The staff of the Principal, Bengal Veterinary College, who are sent to the Imperial Bank to cash or deposit heavy amounts, may draw bus or tram hire only for the journey in which the money is carried (and not for the return journey) and when the sum so carried exceeds Rs. 500.

APPENDIX No. 14

(F. R. 44, S. R. 103.)

List of cases in which the grant of travelling allowance has been permitted to join first post.**Particulars of cases in which travelling allowance is permitted.****Conditions for the grant of travelling allowance.****General—**

1. A person appointed to any of the departments requiring technical skill or knowledge.

May be allowed travelling allowance from the place where he received the orders of appointment, or if he belongs to any training school or college from such school or college, whichever will entail less expense to Government.

Survey Department—

2. Any person recruited from outside the province requiring technical skill or knowledge.

Travelling allowance as for a journey on tour (Rule 81) on the scale admissible to Government servants of the grade to which the post, the Government servant proceeds to join, belongs.

Forest—

3. Stipendiary and private students on passing out of the Forests School for joining appointment in the Government Forest Service.

Travelling allowance.

Administration of Justice—

4. Officiating Munsifs ..

Single second class railway and/or steamer fare and actual expenses not exceeding four annas a mile by road from the place of residence from which they start to the station where they join.

Jails—

- (a) A European Warder or Assistant Warder selected in Calcutta on pay exceeding Rs. 100 in a jail in the interior of Bengal.

Travelling allowance as for a journey on tour (Rule 81) on the scale admissible to a Government servant of the grade to which the post, the Government servant proceeds to join, belongs.

- (b) Jail officials on a pay of less than Rs. 16 a month recruited under authorized system from a district or a province other than that in which the officials appointed reside.

Travelling allowance not exceeding the actual travelling expenses.

Police—

6. (a) Recruits from outside the province for journeys from their homes to the station to which they are first posted.
- (b) Foreign recruits for the Calcutta Police.

Actual travelling expenses.

Ditto.

Particulars of cases in which travelling allowance is permitted.

Conditions for the grant of travelling allowance.

Education—

7. (a) Any female teacher recruited from outside the province, for journey to join a first non-gazetted appointment on condition that payment is not made till she is confirmed.
- (b) All non-gazetted educational Government servants for their journey to join a first post at the Victoria and Dow Hill School, Kurweong, on condition that payment is not made till they are confirmed.

Travelling allowance for a journey on tour (Rule 81) on the scale admissible to Government servants of the grade to which the post, the female teacher proceeds to join, belongs.

Ditto.

Medical—

8. (a) Pupils of Sub-Assistant Surgeon class in a Medical School, for journey from the place of which the final examination is passed to the place to which they are appointed.
- (b) Compounders requiring and possessing technical knowledge for journey to join the first post.

Travelling allowance for themselves and their families.

Travelling allowance as shown against item No. I.

Veterinary—

9. A Veterinary Assistant when joining his first appointment when it is made at the instance of Government.

Travelling allowance for a journey on tour.

Indian Civil Service—

10. Selected Indian candidates proceeding to England to undergo a period of probation for journeys from their homes to the port of embarkation.

Railway fares at first class rates, in addition to the free passage to and from the United Kingdom.

Public Works—

11. Any person appointed in any capacity requiring technical skill or knowledge for which he has been specially trained.

Travelling allowances for a journey on tour.

Local Fund—

12. A Local Fund employee transferred to a post under Government.

Travelling allowance admissible to Government servants of the grade in which his new post is included.

APPENDIX No. 15

(F. R. 44, S. R. 131.)

Rules regulating the grant of advances to pay for the passages overseas of certain Government servants of non-Asiatic domicile and their families, issued under Government of India, Finance Department Resolution No. 88A, dated the 29th January 1923, as modified by Government of India, Finance Department, No. 343A, dated the 30th April 1923.

1. In these rules "family" means a Government servant's wife, legitimate children and step-children residing with and wholly dependent upon him.

2. These rules apply only to gazetted Government servants of non-Asiatic domicile holding substantively a permanent post in any of the Civil Departments or in the Military Accounts Department; and to Military Commissioned Officers (including Military Assistant Surgeons with commissioned rank) of non-Asiatic domicile in civil employ:

Provided that, in the case of officers who are entitled to passage pay under Rule 12 of the Superior Civil Services (Revision of Pay and Pension) Rules, 1924, an advance will be admissible only when they have exhausted their benefits under the Passage Pay Regulations. Advances in these cases, if sanctioned after 31st March 1925, will bear interest at 5 per cent. per annum (Government of India, Finance Department, No. 3379A., dated the 27th March 1925).

NOTE 1.—Passage advances may be granted from general revenues to Government servants referred to in this rule, while they are in foreign service. In such cases the Government servants concerned should be held personally responsible for monthly repayments of the advances drawn.

NOTE 2.—A Government servant's domicile for the purpose of the rules in this Appendix is determined according to the criteria laid down in Appendix B of Schedule IV of the Superior Civil Services (Revision of Pay and Pension) Rules, 1924.

3. An advance may be made to a Government servant for the cost of passage by sea from a port in India to a port outside Asia of himself and members of his family and also for the cost of the return voyage. The advance for members of the family will be admissible even though they do not accompany the Government servant on the voyage.

4. The amount of each advance shall not exceed four months' pay of the Government servant or Rs. 6,000, whichever is less, subject to the further condition that it shall not exceed the amount actually required at the time for the purpose for which it is granted. It should be a sum expressed in whole rupees, being a multiple of thirty-six.

5. When an advance has previously been sanctioned, the amount of a further advance should be so regulated that the total amount outstanding will not exceed the limits mentioned in Rule 4. For the purpose of recoveries, each advance shall be treated separately.

6. The sanctioning authority will be the Department of the Government of India, or other subordinate authority to whom the power may be delegated with the consent of the Finance Department, or the local

Government under whose administrative control the Government servant is serving.

8. An advance will not be admissible to a Government servant who does not intend returning to civil duty on the expiry of the leave, and the Government servant shall submit with his application for the advance a certificate that he intends to return to civil duty on the expiry of the leave. The applicant should at the same time state whether he has taken, or intends applying for, an advance for the same purpose under the rules regulating the General Provident Fund or any other similar provident fund rules.

9. (a) Advances will be recovered in thirty-six equal monthly instalments by compulsory deductions from pay, commencing from the first payment of a full month's pay after the advance is granted. Except as provided in clause (b) of this rule, no recovery will be made from a Government servant while he is on leave. A borrower may, however, make repayment in less than thirty-six instalments or may repay two or more instalments at the same time.

NOTE.—The recovery of the advance shall ordinarily commence when the first payment of a full month's pay is made to the Government servant on his return from leave. But when a Government servant while himself remaining on duty draws an advance for the members of his family only, recovery shall commence in the month following that in which the advance is drawn.

(b) If the Government servant retires, or applies for and receives permission to retire on the expiry of his leave, the outstanding balance of the advance will be recoverable at once, but where undue hardship is likely to result from compelling payment in one instalment, a Department of the Government of India or the High Commissioner for India may permit a relaxation of this rule to the extent of allowing monthly recoveries to be made from the pension or leave salary admissible to the Government servant at a rate not less than half the monthly amount of such pension or leave salary. In applying this rule, consideration should be given to the amount which will be handed over to a provident fund subscriber on his retirement.

(c) The borrower will submit to the audit officer concerned, or, if the advance is paid in England, to the High Commissioner for India, within three weeks of the receipt of the advance, receipts showing the amount of payments made for passages. Where, however, the money for passages has to be remitted from India to England (or vice versa), the time for submission may be extended by two months. In the event of failure to comply with this rule the amount advanced shall be recoverable at once. If the receipts produced are for an amount less than that advanced the balance shall be recoverable at once.

10. Subject to the conditions of these rules, the High Commissioner may sanction an advance to a Government servant on leave drawing his leave salary in London for the cost of return passages to India of the Government servant and his family, provided no advance for the same journey has been previously made.

11. A Government servant receiving an advance under these rules will, on receipt of the advance, sign and deposit with Government an undertaking in the form shown in the appendix to these rules.

Appendix.

MEMORANDUM OF AGREEMENT made the..... day of.....192.....BETWEEN.....of.....(hereinafter called the Borrower) of the one part and the SECRETARY OF STATE FOR INDIA IN COUNCIL (hereinafter called the Lendor) of the other part.

WHEREAS the Borrower's (family) is proceeding to on leave (with his family) and has in accordance with Resolution of the Finance Department, Government of India, No. 612A., dated the 14th September 1922, requested the Lendor to lend him free of interest Rs..... towards defraining the cost of his their passage(s) to.....(and back to India) which the Lendor has agreed to do on the terms and conditions hereinafter mentioned.

WITNESSETH that in consideration of the said loan (receipt of which the Borrower hereby acknowledges) the Borrower for himself his heirs executors and administrators covenants with the Lendor to repay the said loan by 36 equal monthly instalments the first instalment to be payable on the date of first payment of a full month's pay after the advance is granted, no recoveries being made while the Borrower is on leave, and hereby authorizes the Lendor to deduct the amount of such monthly instalments from the pay of the Borrower PROVIDED ALWAYS and it is hereby further agreed and declared that in the event of the Borrower dying or retiring or receiving permission to retire from Government service before the whole amount of the said loan is repaid or if he does not produce receipts for the said passage(s) or does not comply with any of the conditions on which the loan is made, as specified in the aforesaid Resolution, within three weeks from the date hereof the loan is to become immediately due and payable.

In WITNESS whereof the Borrower has hereunto set his hand the day and the year first above written.

Signed by the said (Borrower) in the presence of.....

Witness.....

Address.....

Occupation.....

APPENDIX No. 16

(F. R. 44, S. R. 100.)

List of where travelling allowance to undergo training has been sanctioned.

Persons granted travelling allowance.**Peculiarities.****Forest—**

1. (a) Probationary students under training for the Provincial Forest Services—
 (i) while proceeding to join the institute for the first time and finally returning therefrom ;
 (ii) while undergoing the course of the institute.
 (b) Stipendiary students of the Imperial Forest School, Dehra Dun.

Actual expenses which include single second class fare by rail or steamer for the student, single third class fare of one servant, the freight of a bicycle when necessary and such luggage as is passed by the President or other officer authorized to countersign the travelling allowance bills.

An advance of actual travelling expenses at the discretion of the Local Government for joining the Imperial Forest School, Dehra Dun.

Police—

2. Constable recruits for journey to enable them to join training schools.

Travelling allowance.

Education—

3. (a) Passed students of the Engineering School of the Calcutta University when undergoing a year's course of practical training of survey work.

Travelling allowance under the rule applicable to overseers of the Public Works Department, the amount being charged to "Education."

(b) Student Engineers on transfer from one station to another in the course of their practical training.

(c) Students of the Apprentice Department of Sibpur and students from the Bihar School of Engineering selected for a year's practical course on survey work before competing for an appointment in the Public Works Department.

Travelling allowance admissible to Overseers of the Public Works Department.

(d) Students selected for education at the Normal School for journey to the school.

Travelling allowance at the rates allowed to officers of the third grade.

(e) Head Pandits of Guru Training Schools in Eastern Bengal when they are deputed to the Training Schools to undergo a course of training.

Actual travelling expenses not exceeding the amount admissible as travelling allowances at third class rates,

Persons granted travelling allowance.**Particulars.*****Education—concl'd.***

(f) Government servants or students under training in the Training Colleges, Calcutta and Dacca.

Actual expenses to students—

- (1) for journeys to and from the college on joining and leaving it at the beginning and termination of the period of training, and
- (2) for journeys to and from home for one vacation only during the sessions, and
- (3) travelling allowance to Government servants under the rules for journeys on transfer for journeys to and from the college on joining and leaving it at the beginning and termination of the period of training, but they will draw travelling allowance as for journeys on tour—for journeys to and from home for one vacation only during the sessions.

Medical—

4. (a) Officers in civil employ when ordered to undergo a course of instruction at Dehra Dun in the use and management of X-ray apparatus.

(b) Sub-Assistant Surgeons

Travelling allowance.

- (1) Travelling allowance admissible under the ordinary rules when attending the 1st and 2nd post-graduate courses for the first time.
- (2) When attending the courses on the 2nd or 3rd occasion, (i) actual travelling expenses for journeys by rail or steamer not exceeding the cost of a single fare each way by the class to which they are entitled when on tour, and (ii) for journeys by road such mileage as would be admissible had the journey been on tour.

Public Health—

5. Inspectors and Sub-Inspectors of Vaccination for journeys to and from the centres where they are required to undergo a course of training.

Travelling allowance under ordinary rules.

Agriculture—

6. (a) Students sent from this province to the Poona Agricultural College.

Travelling expense to Bombay and back to appear at the Annual and Final Examination held at Bombay.

(b) Veterinary students selected to undergo a course of training at the Bengal Veterinary College or at any of the technical schools or colleges in other parts of India or when deputed to visit special exhibitions and demonstrations such as those occasionally organized in connection with the Industrial School for silk Weaving in Rajahbali.

Travelling expenses.

Miscellaneous—

7. (a) Students selected to hold Government scholarships tenable in England when proceeding to or returning from England

(b) Clerks deputed for training in typewriting.

A single second class fare by rail in India and free passage to and from England and freight for personal luggage not exceeding 3 maunds.

Travelling allowance under the ordinary rules to and from the training centres.

NOTE.—Any clerk who fails to pass the test after a two months' course will be permitted to draw travelling allowance for his return journey from the training centre on production of certificate from the Company to the effect that he attended the training class for the full period of two months.

APPENDIX No. 17

(P. N. 44, S. N. 183.)

List of controlling officers for the purpose of countersigning travelling allowance bills.

1. Unless otherwise specifically stated in the following lists, the controlling officer for the purpose of countersigning travelling allowance bills will be the Head of the Department concerned.

2. The following Government servants are declared under S. R. 183 to be their own controlling officers :—

- (1) Heads of Department.
- (2) Political Agent, Tripura State.
- (3) Political Agent, Cooch Behar State.
- (4) Private Secretary and Military Secretary to His Excellency the Governor of Bengal.
- (5) Commissioner, Workmen's Compensation, Bengal.
- (6) Chief Presidency Magistrate.
- (7) Chief Judge, Small Cause Court, Calcutta.
- (8) Police Surgeon, Calcutta.

Land Revenue—

Collectors including the Gazetted officers at headquarters and subdivisions.
Additional Magistrate attached to a district.

Senior Deputy Collector at headquarters All non-gazetted officers stationed at headquarters.

Subdivisional Officer .. All non-gazetted officers subordinate to the Subdivisional Officer.

Commissioner .. Collector and ministerial establishment subordinate to Commissioners.

Surveys and Settlement—

Director of Land Records and Surveys Provincial Survey Establishment, Settlement Officers on Major Settlement Operations. Probationary and temporary Sub-Deputy Collectors when placed under Director of Land Records and Surveys; Master of Survey Schools.

Settlement Officers .. Assistant Settlement Officers and all establishments employed on Major Settlement Operations.

District Officers .. Assistant Settlement Officers and their establishment employed on Minor Settlement Operations.

Excise and Salt—

Collector .. Superintendents and Inspectors of Excise and Salt.

Superintendent of Excise and Salt. Subordinate Officers in the Excise and Salt Department.

Deputy Commissioner of Excise and Salt, Bengal. Inspectors and other officers of the Special Staff (Intelligence Bureau).

Inspector of Excise in charge of a district. Officers subordinate to him.

Personal Assistant to Commissioner of Excise and Salt. Ministerial establishments subordinate to Commissioner.

Conservator of Forests .. Forests Officers of all ranks and establishment except non-gazetted officers and establishment subordinate to a Divisional Forest Officer.

Divisional Forest Officer .. Non-gazetted officers and establishment including executive, protective and office staff, subordinate to a Divisional Forest Officer.

Registration—

**Inspector-General
Registration.** of Inspector of Registration Offices.

District Registrar .. Sub-Registrars and their establishment.

General Administration—

**Secretary to Govern-
ment, Finance De-
partment.** Superintendent and Deputy Superintendent, Press.

**Assistant Secretary to the
Legislative Council.** Members attending the Meetings of the Legislative Council.

**Under Secretary, Finance
Department.** Establishment in the Bengal Secretariat including the Book Depôt.

**The Secretary and the
Assistant Secretary to
the Government of
Bengal, Legislative De-
partment.** All officers of the Legislative Department.

**Military Secretary to His
Excellency the Governor
of Bengal.** Establishments subordinate to him and Surgeon to His Excellency the Governor of Bengal.

**Private Secretary to His
Excellency the Governor
of Bengal.** Establishments subordinate to him.

Administration of Justice—

District Judge .. Officers and establishment of Civil Courts.

Legal Remembrancer .. Mufasaal Government Pleading.

District Magistrate .. Criminal Court establishment.

**Chief Presidency Magis-
trate.** Other Presidency Magistrates.

Presidency Magistrate .. Establishments subordinate to him.

**Chief Judge, Small Cause
Court, Calcutta.** Other Small Cause Court Judges.

District Magistrate, Juvenile Court and Detention House, Howrah.

**Commissioner, Workmen's
Compensation Act.** Establishments subordinate to him.

Jails—

**Inspector-General
Jails.** All officers of the Jail Department.

**Superintendent, Presi-
dency or Alipore Jail,
as ex-officio Deputy
Inspector-General of
Jails.** All officers of the Jail Department [during the absence of
the Inspector-General of Jails.]

Superintendent of Jails .. Jail Warders.

Police—

Inspector-General of Police (through the Assistant Inspector-General of Police).	Deputy Inspector-General of Police and officers directly under the Inspector-General of Police.
District Magistrate ..	Superintendent of Police.
Superintendent of Police	Police officers of all ranks and ministerial and menial establishment on the District Police establishment.
Superintendent of Railway Police.	Police officers of all ranks and ministerial and menial establishments on the respective Railway Police establishment.
Principal of the Training College.	Police officers of all ranks and ministerial and menial officer attached to the Training College and the Constables' Training Schools.
Commandants of Military Police Companies.	Police officers of all ranks and ministerial and menial officers attached to the respective Military Police Companies.
Deputy Inspector-General of a Range.	The Principal of the Police Training College, Superintendent of Railway and River Police in his range and the ministerial and executive officers and menials on his establishment.
The Assistant to the Deputy Inspector-General of Police, Criminal Investigation Department and Special Assistant to the Deputy Inspector-General of Police, Intelligence Branch.	(i) Police officers of all ranks and ministerial officers and menials on the establishment of the Deputy Inspector-General of Police, Criminal Investigation Department, and Intelligence Branch, provided that in the case of officers deputed to work in districts their bills shall not be countersigned unless they have been passed by the Superintendent of Police of districts to which they have been deputed. (ii) Principal of the Detective Training School.
Superintendent of River Police.	Police officers of all ranks and ministerial officers and menials on the River Police establishment.
Additional Superintendent of Police, Asansol.	Police officers of all ranks and ministerial officers and menials in the Asansol Subdivision Police.
Principal, Detective Training School.	Police officers of all ranks and ministerial officers and menials on the Detective Training School establishment.
Commissioner of Police, Calcutta.	All Deputy Commissioners of Police.
Deputy Commissioner of Police, Headquarters.	All Police officers and men of and below the rank of Assistant Commissioner of Police, and ministerial and menial officers of the Presidency Police establishment; Superintendent and probation officers of House of Detention establishment.
Deputy Commissioner, Port Police.	Executive and ministerial and menial officers of the Haj establishment at Calcutta under the control of the Commissioner of Police.
Police Surgeon, Calcutta	Medical officers attached to the— (i) Calcutta Police Hospital. (ii) First Aid to the Injured and Ambulance Class. (iii) Calcutta Police Morgue, and (iv) Calcutta Police Lock-up.
	Ministerial and menial staff attached to the Calcutta Police Hospital.

Marine—

Deputy Secretary to the Government in the Marine Department.

- (1) The Port Officer, Calcutta; for journeys in connection with launch pooling work.
- (2) The Port Officer, Chittagong.
- (3) The Engineer Superintendent, Government Dockyard, Narayanganj.

Marine—continued.**Port Officer, Calcutta**(1) **The Deputy Port Officer, Calcutta.**

Principal Engineer and Ship-Surveyor, Calcutta, and ministerial and menial officers : for journeys in connection with launch pooling work.

(2) **The Principal Engineer and Ship-Surveyor and the other Surveyors at Calcutta ; for journeys in connection with surveys of inland steam vessels outside Calcutta.****Port Officer, Chittagong..** The Engineer and Ship-Surveyor, Chittagong, and ministerial and menial officers.**Engineer Superintendent,
Government Dock-
yard, Narayanganj.**

Establishments under him.

**Controlling officers men-
tioned in Rule 4 of the
Marine Department
Rules for the use and
upkeep of launches
under the Pooling
Scheme.**

Crews of the launches which they control.

Education—**Assistant Director
Public Instruction.**of (1) **Principals of Colleges.**(2) **Inspectors and Additional Inspectors of Schools.**(3) **Heads of all offices which communicate direct with the Director of Public Instruction.**(4) **The ministerial and menial establishment of the office of the Director of Public Instruction and of such offices comprised in (3) above as are not hereinafter provided with a controlling officer.****Principals of Colleges**

.. Professors, Lecturers, Demonstrators, Teachers, workmen, ministerial and menial establishments and generally all officers working in the institution or institutions under their control.

Inspectors of Schools

- . (1) **Head Masters and establishments of all Government High Schools in the division.**
- (2) **Assistant Inspectors, District and Subdivisional Inspectors, Sub-Inspectors and other members of the subordinate inspecting staff, Head Masters or Pandits and other Teachers of Guru Training Schools and other Government institutions under their control in the districts or areas of the division of which they are in immediate charge.**
- (3) **The ministerial and menial establishments of their own office, and of the officers and institutions specified above.**

**Additional Inspectors of
Schools.**

- (1) **Assistant Inspectors, District and Subdivisional Inspectors, Sub-Inspectors and other members of the subordinate inspecting staff and the Head Masters or Pandits and other teachers of Guru Training Schools and other Government institutions under their control (High Schools being explicitly excepted from that control) in the districts or areas of which they are in immediate charge.**
- (2) **Their own ministerial and menial establishments and the ministerial and menial establishments of the officers and institutions specified above.**

Education—concl'd.

Inspectresses of Schools	(1) Assistant Inspectresses of Schools. (2) Teachers of Government Schools under their charge. (3) Their own ministerial and menial establishments and the ministerial and menial establishments of the officers and institutions specified above.
Inspector of European Schools.	(1) Head Master, Head Mistress and members of the domestic and instructive staffs of the Victoria Boys' School, the Dow Hill Girls' School and the Government Training Class for European Teachers at Kurweong. (2) His own ministerial and menial establishments and the ministerial and menial establishments of the officers and institutions specified above.
Director of Public Instruction.	Assistant Director of Public Instruction, Assistant Director of Public Instruction for Muhammadan Education, and Examiners appointed to conduct the Practical Examination of Survey Students.

Medical—

Surgeon-General	Plague inspecting officer, for journeys on transfer from one station to another.
District Magistrate	Civil Surgeons for journeys within the district and for journeys to give evidence beyond the limits of the district. Plague Inspecting Officers.
Civil Surgeons	Subordinate Medical Officers including Sub-Assistant Surgeons of Police Hospitals other than the Calcutta Police Hospital.
Superintendent, Campbell Medical School and Hospital.	Establishments subordinate to him.
Director, School of Tropical Medicine and Hygiene.	Establishments subordinate to him.
Principal of the College or the Superintendent of the School as the case may be.	Professors, Teachers, etc., Medical Institute.

Public Health—

Director of Public Health.	All Assistant Directors of Public Health, Plague Medical Officers, Inspectors of Septic Tank Installations, Superintendent, Bengal Vaccine Dépôt, and all other gazetted Government servants of the department.
Director of Bengal Public Health Laboratory.	The whole staff of the Calcutta Public Health Laboratory and of the Director in charge of the Dacca Branch Laboratory.
Officer in charge, Dacca Branch Laboratory.	Staff of the Branch Laboratory.
All Assistant Directors of Public Health.	Non-gazetted establishments serving under each of them.
Chief Engineer, Public Health Department.	Executive Engineers, Assistant Engineers and all gazetted Government servants of the Department.
Executive Engineer, Public Health Department.	Supervisors, Upper and Lower Subordinates and all non-gazetted Government servants attached to their divisions.

Veterinary Department—

Veterinary All officers subordinate to him.

Director, Civil Veterinary Department. All officers of the Civil Veterinary Department.

Agriculture—

Director of Agriculture Deputy Director of Agriculture, Fibre Expert, Agricultural Chemist, Economic Botanist, Superintendents of Agriculture, Superintendents of Sericulture, Assistant Fibre Expert, Assistant Agricultural Chemist, Assistant Economic Botanist and all other gazetted and non-gazetted officers employed directly under him.

Deputy Director of Agriculture. of (i) Ministerial and menial establishment of their own offices,
(ii) Temporary staff.
(iii) Staff of the Agricultural and Vernacular School.
(iv) Officers of the Subordinate Agriculture Services (Class I and II) and their staff under their respective charges.
(v) Officers of the Lower Subordinate Agricultural Staff Overseer, Fieldman, Clerks and Fieldman Apprentices under their respective charges.
(vi) District Agricultural Officers, Agricultural Inspectors and their staff as well as of the Fieldman Demonstrator and Fieldman Apprentices under their respective charges.

Economic Botanist ... Entomological Collector and the Mycological Collector and establishment subordinate to him.

Second Economic Botanist to the Government of Bengal. Establishment subordinate to him.

Live-stock Expert ... All subordinate officers, ministerial and menial establishment attached to the Rangpur Cattle Farm, the Diary Section of the Dacca Central Farm and his own office.

Fibre Expert ... Establishments subordinate to him.

Agricultural Chemist ... Establishments subordinate to him.

Deputy Director of Sericulture. Establishments subordinate to him.

Superintendent, Royal Botanic Garden, Calcutta. Establishments subordinate to him.

Co-operative Societies—

Personal Assistant to the Registrar, Co-operative Societies. All non-gazetted officers of the Co-operative Department.

Assistant Registrars of Co-operative Societies. All gazetted and non-gazetted officers of the Co-operative Department employed within their respective jurisdictions.

Industries—

Director of Industries Officers and establishment subordinate to him.
Principals of Engineering Colleges.
Superintendent of the Reformatory School.

Industries—concl'd.

Inspector of Technical and Industrial Institutions.	Head Masters and Superintendents of Technical and Industrial Schools ; Principal, Serampore Weaving Institute.
Principal, Serampore Weaving Institute.	Officers and establishments subordinate to him.
Superintendent, Royal Botanic Garden.	All officers subordinate to him.
*Secretary, Government of Bengal, Commerce Department.	Electrical Adviser and Chief Electric Inspector, Bengal.
Electrical Adviser and Chief Electric Inspector, Bengal.	Officers and establishments subordinate to him.

Miscellaneous—

Registrar of Joint Stock Companies.	Assistant Registrar, Joint Stock Companies, and his establishment.
Government ..	(1) Registrar of Joint Stock Companies. (2) Inspector appointed under the provisions of the Provident Insurance Societies Act, 1912 (V of 1912).
Commissioner of the Presidency Division and President, Smoke Nuisances Commission.	Chief Inspector and Secretary to the Smoke Nuisances Commission.
Chief Inspector of Factories.	Officers and establishments subordinate to him.
Chief Inspector and Secretary to the Smoke Nuisances Commission.	Officers and establishments subordinate to him.
*Secretary to the Government of Bengal, Commerce Department.	Chief Inspector of Factories, Bengal.

Emigration—

Protector of Emigrants and Superintendent of Emigration.	Employees of the Emigration Department as well as himself.
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Public Works and Irrigation Departments—

Chief Engineer ..	Himself and all gazetted and non-gazetted officers in his office and the attached Drawing Branch. Consulting Architect to the Government of Bengal.
	Electrical Adviser and Chief Electric Inspector, Bengal, so far as the travelling is done in connection with works of the Roads and Buildings Departments.
Superintending Engineer	Himself and all gazetted and subdivisional officers in his circle as well as the ministerial and menial establishment of his office.
	Plumbing and Assistant Plumbing Experts, Bengal, for journeys performed in connection with work done in his circle.
Superintending Engineer, Eastern Circle.	Electrician, Dacca.
Controlling Architect ..	Assistant Architect and the ministerial and menial establishment under him.
Superintending Engineer, Southern Circle.	All dredger officers.

*NOTE.—The Deputy Secretary and Under-Secretary, Finance, Commerce and Marine Departments are authorised to sign for Secretary. [B. G. O. D. No. 1621—T./Com., dated the 23rd September 1924.]

Public Works and Irrigation Departments—concl'd.

Executive Engineers	..	All subordinates in the divisions (except subdivisional Officers) and ministerial and menial establishments under them.
Military Secretary	..	Superintendent, Governor's Estates, Bengal, and any gazetted officers employed under the Superintendent.
Superintendent, Governor's Estates.		All subordinates and the ministerial and menial establishments under him.
Electrical Adviser and Chief Electric Inspector, Bengal and Assam.		Inspector of Lightning Conductors.
Plumbing Expert, Bengal.		Plumbing Inspector, Bengal, and all ministerial and menial establishments under him.
Political Officer, Sikkim		Upper and Lower Subordinates and ministerial and menial establishments employed for the execution of public works under him.
Circle Officer, Canal Revenue Division, Midnapore.		Subordinates and menials attached to this division.

APPENDIX No. 18

[F. R. 26 (a).]

Instructions issued by the Auditor-General under Fundamental Rule 7A.

1.—Procedure relating to leave.

Certificate of admissibility.

1. *Gazetted Government servants.*—Leave should be sanctioned to a gazetted Government servant only after its admissibility has been certified by the Audit Officer who has been auditing his pay.

NOTE.—The leave accounts of the Archdeacon of Calcutta and the Presidency Senior Chaplain, Church of Scotland, Bengal, are maintained by the Accountant-General, Central Revenues. The leave accounts of all other Chaplains, both of the Church of England and the Church of Scotland, including those attached to regiments, are maintained by the Accountant-General of the province in which they serve. In the case of Chaplains, therefore, the certificate of admissibility of leave required by the above rule will be issued by the Accountant-General who maintains the leave account.

2. *Non-gazetted Government servants.*—Before leave is sanctioned to a non-gazetted Government servant, the authority sanctioning the leave should either consult the leave account prescribed in Fundamental Rule 76, and satisfy himself that the leave is admissible, or obtain a certificate to that effect from the officer entrusted with the attestation of the entries in the leave account.

3. *Military officers.*—When a military officer becomes subject to the Civil Leave Rules, the Audit Officer in charge of his record of pension service will, on application and on being furnished with the date of commencement of active service in civil employ, furnish to the Audit Officer to whose audit he becomes subject, a memorandum showing the furlough earned, the different kinds of leave taken (distinguishing those which should be deducted from the *maximum* furlough admissible) and the balance of furlough due under Military Rules.

4. (a) Applications for leave from military officers in civil employ, whether they are subject to the Military Leave Rules or the Civil Leave Rules, should be sent through the Civil Audit Officer who audits the pay of the officer going on leave. The Civil Audit Officer will, if he considers it necessary, consult the Controller of Military Accounts in charge of the officer's record of pension service before certifying to the leave and specifying the leave salary. No leave should be sanctioned to such an officer before a report is received from the Civil Audit Officer.

(b) In the case of a military officer subject to the Military Leave Rules, the Civil Audit Officer should obtain from the Controller of Military Accounts who has charge of the officer's record of pension service a certificate stating the amount of leave to which the officer is entitled, and the rate of leave pay and allowances admissible during the said period of leave, before issuing a leave salary certificate, or a

warrant or a certificate of leave granted to an officer proceeding on leave out of India who does not intend to draw his leave salary at the Home Treasury or in a colony. (Audit Code, No. 449, dated 1st February 1927.)

5. *Government servants in foreign service.*—In the case of a Government servant on foreign service, leave cannot be sanctioned until the Audit Officer of the Government (Central or Provincial), under which he was permanently employed at the time of his transfer to foreign service, has certified the amount of leave and the leave salary admissible.

Note 1.—For the purpose of this rule, the Accountant-General of the province in which the contributions towards leave salary and pension of a Government servant on foreign service are recovered will act as the Audit Officer of the Central Government.

Note 2.—In the case of military officers in temporary civil employ, the Controller of Military Accounts who receives the foreign service contributions of the officers concerned is responsible for certifying to the amount of leave and leave salary admissible, the necessary information in the case of military officers subject to the Civil Leave Rules being obtained from the Civil Audit Officer concerned. Similarly, in the case of Government servants in commercial departments (e.g., Railways and Posts and Telegraphs), the certificate will be given by the departmental Accounts Officer who is responsible for bringing the contributions to account. (Audit Code, No. 455, dated 1st March 1927.)

Payment of leave salary in India.

6. *Non-gazetted Government servant.*—The leave salary of a non-gazetted Government servant on leave in India or on leave out of India cannot be drawn in India, except under the signature of the head of his office; and the latter is responsible for any overcharge.

7. *Gazetted Government servants.*—No gazetted Government servant can begin to draw his leave salary at any office of payment in India without producing a leave salary certificate from the Audit Officer who audited his pay before he proceeded on leave.

8. The certificate should be in F. R. Form No. 2; and if during leave the gazetted Government servant desires to change the office at which he receives payment of his leave salary, he must obtain a new certificate from the Audit Officer within whose jurisdiction his leave salary was last paid.

8A. A gazetted Government servant desirous of discontinuing his subscription to the General Provident Fund during leave or of subscribing to the fund at the usual rates during leave on average pay and at half rates during other leave should intimate his wishes in the matter to his Audit Officer before proceeding on leave. (Audit Code, No. 458, dated 1st April 1927.)

9. If a gazetted Government servant signs his bill himself, he must either appear in person at the place of payment or furnish a life certificate signed by a responsible officer of Government or some other well-known and trustworthy person. If he draws his leave salary through an authorised agent, the agent, whether he has or has not a power-of-attorney, must either furnish a life certificate as aforesaid, or execute a bond to refund overpayments. A life certificate may be given periodically, a bond being given to cover intermediate payments not supported by life certificates.

10. The provisions of paragraphs 7 to 9 above apply also to gazetted Government servants who spend their leave out of India but reside in Asia, and who have to draw their leave salary in rupees in India under Fundamental Rule 91.

NOTE.—A certificate of residence should be obtained from Government servants who draw their leave salary at the rupee rate.

11. *Railway and Telegraph Departments and Military Works Services.*—In the case of the Railway and Telegraph Departments and the Military Works Services the above rules will be generally applicable, subject to any modifications which may be made by the Accountant-General concerned in accordance with the special rules of his Department.

12. *Return to duty.*—Before returning to duty, a Government servant who has drawn his leave salary in India should obtain a last pay certificate from the Audit Officer, within whose jurisdiction his leave salary was last paid, and deliver it to the Audit Officer who audits his pay. Without such a certificate he cannot obtain payment of any arrears of leave salary or pay due to him.

Leave out of India.

13. *Memorandum of Information.*—A copy of "Memorandum of information for the guidance of Government servants proceeding on leave out of India" should be supplied to each Government servant proceeding on leave out of India by the Audit Officer who audits his pay, as soon as the grant of leave is gazetted or otherwise notified to him.

14. *Leave salary certificate and colonial leave salary warrant.*—(a) A Government servant proceeding on leave out of India and intending to draw his leave salary while on leave should be given a leave salary certificate by the Audit Officer who audited his pay before he proceeded on leave—

(1) in F. R. Form No. 2, if he intends to draw his leave salary at the Home Treasury;

(2) in the shape of a leave salary warrant in Form No. I, under the supplementary rules, if he is proceeding to a colony and intends to draw his leave salary there.

(b) If during any period of leave on average pay a gazetted Government servant wishes, under the provisions of Fundamental Rule 91, to draw his leave salary in India, a separate leave salary certificate should be issued in respect of that period under the provisions of paragraph 8 above.

15. When a Government servant proceeds out of India on leave other than extraordinary leave, the Audit Officer who audits his pay will, as soon as the leave is gazetted or otherwise notified, send him a letter in F. R. Form No. 4 with enclosures in F. R. Form No. 5, requiring him to call at his office or give the necessary information.

NOTE.—If a Government servant sent home to Europe as a lunatic is granted leave, a leave salary certificate should be prepared, if necessary, by the Audit Officer who audits his pay on the date available to him, and forwarded to the High Commissioner for India at the earliest possible date.

16. If the Government servant calls at the Audit Office he will be paid up to the date of his relief and will be given a leave salary certificate in the appropriate form as prescribed in paragraph 14 above. In the case of Government servants proceeding to a colony, the colonial leave salary warrant (Form No. 1, under the supplementary rules) will be issued in triplicate. The original, bearing the Government servant's signature, will be forwarded by the Audit Officer to the colonial authority concerned, the duplicate to the High Commissioner for India, and the triplicate will be made over to the Government servant concerned.

Note.—If the Government servant takes a certificate under clause (b) of paragraph 14 above, he will not be paid up to the date of relief but will be allowed to draw his pay and allowances for the broken period of the month at the commencement of the next month along with the leave salary for the rest of the month.

17. If the Government servant is unable to call at the Audit Office, the Audit Officer will cause the leave salary certificate to be sent to the address specified by the Government servant and the pay and allowances to be paid through the officer from whom the Government servant draws his pay and allowances.

Note.—The orders in the "Note" under paragraph 16 apply also in the circumstances specified in this paragraph.

18. When a Government servant proceeds on extraordinary leave out of India, or on leave on average pay or half average pay out of India during which he does not propose to draw leave salary, or when a Government servant is given a colonial leave salary warrant, he should be given a certificate of leave in Form No. II, under the supplementary rules. This certificate has to be presented by the Government servant to the High Commissioner for India if he is on leave in Europe, North Africa, America or the West Indies and applies for extension of leave, or for permission to return to duty or for a last pay certificate before returning to duty.

Note.—Whenever a Government servant is proceeding to a dominion or colony which does not account directly with India, a duplicate copy of the certificate in Form II under the Supplementary Rules should be sent to the High Commissioner with the duplicate copy of the colonial leave salary warrant. (Correction No. 189, dated the 1st June 1924, to the Audit Code.)

19. Cancelled.

20. With every leave salary certificate, colonial leave salary warrant or certificate of leave, given to Government servants to whom the leave rules in Sections I to V of Chapter X of the Fundamental Rules are not applicable, a blank F. R. Form No. 7 will be given on which the Government servant concerned will report to the Audit Officer, from the first port at which the vessel touches, the day of his departure from India.

21. As soon as an Audit Officer has delivered a leave salary certificate, certificate of leave or a colonial leave salary warrant to a Government servant who proposes to spend his leave out of India, or has caused it to be sent to the address specified by him, he must forward a copy of the leave salary certificate or certificate of leave, or the duplicate copy of the colonial leave salary warrant to the High Commissioner for India.

22. Cancelled.

23. *Amended certificate.*—If it becomes necessary to amend a leave salary certificate in F. R. Form No. 2, the amendment should take the form of a short corrigendum worded so as to show only the particular item or items on which alterations have been made; this corrigendum should be forwarded by the Audit Officer at the earliest possible date to the High Commissioner for India. Every corrected leave salary certificate whether, original or duplicate, should be marked "Amended certificate."

24. *Extension or commutation of leave.*—Whenever the leave of a Government servant absent on leave out of India elsewhere than in Europe, North Africa, America or the West Indies is extended or commuted by the authority in India which granted the leave, the fact should forthwith be notified by the Audit Officer to the High Commissioner for India to enable him to check the payment by Colonial treasurers or Staff Officers.

Note.—This rule applies to military officers subject to the Military Leave Rules.

25. If the leave of a Government servant who draws his leave salary in India under the provisions of Fundamental Rule 91 is extended or commuted, the Audit Officer who audited his pay at the time he proceeded on leave must, on receiving advice of such extension or commutation, forthwith communicate it to the Audit Officer within whose jurisdiction his leave salary is drawn. He should also communicate any other circumstances connected with the leave which may be required to be known to the Audit Officer who passes the Government servant's leave salary.

26. *Issue of a fresh colonial leave salary warrant.*—When no space for the entry of endorsements of payment remains upon the back of a colonial leave salary warrant, or when a warrant is lost or destroyed, a fresh warrant should be issued by the Audit Officer who issued the original warrant on the application of the Government servant concerned, submitted through the Colonial Disbursing Officer.

27. *Return to duty.*—A Government servant who was on leave in Europe must, on return to India, deliver to the Audit Officer the last pay certificate obtained by him from the High Commissioner, before he can obtain payment of any arrears of leave salary or pay due to him. A Government servant who has drawn his leave salary on a warrant must deliver his copy of the warrant which will serve as a last pay certificate.

28. *Railway and Military Accounts Departments.*—Changes in the above rules, except those which relate to colonial leave salary warrants, may be made by the Accountant-General, Railways, or the Military Accountant-General in accordance with the special rules of his own department.

Special rules relating to military officers.

29. As soon as the grant of furlough or leave to a military officer in civil employ has appeared in orders, the Audit Officer in charge of the military officer's record of pension service must, in the case of furlough to Europe, North Africa, America or the West Indies, forward

to the High Commissioner for India a statement of the officer's service in such form as the military authorities may prescribe. This statement is not required in the case of officers proceeding on furlough under the Staff or British Leave Rules.

30. When furlough or leave or an extension of furlough or leave is granted to a military officer in civil employ, whether subject to the Civil or the Military Leave Rules, the Civil Audit Officer should intimate to the Audit Officer in charge of the officer's record of pension service the date of the beginning and end of the furlough or leave, the dates of embarkation and debarkation in the case of furlough out of India, as well as those of being struck off or of resuming duty.

32. On the return of an officer from furlough or leave, it will be the duty of the Audit Officer in charge of his record of pension service to satisfy himself that he has returned within his leave; and, if not to report the case to the authority which sanctioned the leave.

Leave account.

33. The leave account prescribed in Fundamental Rule 76 should be kept in F. R. Forms No. 9 and No. 9A in respect of Government servants under the Special Leave Rules and Ordinary Leave Rules respectively. The office in which the account should be kept for any Government servant and the person by whom the entries should be attested will be such as are prescribed by the local Government.

II.—Service books.

34. A service book in F. R. Form No. 10 should be maintained for every non-gazetted Government servant holding a substantive post on a permanent establishment, with the exception of those the particulars of whose service are recorded in a history of services or in a service register maintained by the Audit Officer, or for whom special forms of record are prescribed by the local Government. In this book every step in the Government servant's official life should be recorded and each entry should be attested by such superior officer as may be prescribed by the local Government.

35. If a Government servant is transferred to foreign service, the Audit Officer referred to in paragraph 5 above will, on receipt of the service book from the head of the office or department concerned, note in it, under his signature, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider to be necessary, and return the same to the officer from whom he received it. On the Government servant's retransfer to Government service, the Audit Officer will again note in the service book, under his signature, all necessary particulars concerned with the foreign service. All entries relating to the time spent in foreign service should be attested by the Audit Officer.

F. R. FORM No. 2.

(See paragraphs 8, 14 and 23 of Instructions.)

(Note.—Forms supplied in bound books with counterfoils bear the number 2A.)

Leave salary certificate.

No.....

Leave salary certificate of.....
of the.....proceeding on.....
to.....

1. Government under which employed
2. Substantive post
3. Officiating post (if any)
4. Statement of present leave

Nature of leave (specifying periods on average pay, half average pay and quarter average pay separately).	Y.	M.	D.	From	To	Monthly rate of leave salary (and allowances, if any) subject to the deductions noted on the reverse.	Article and clause of the Fundamental Rules or other regulations.
5. Place of payment	5.						
6. Date from which first payment is to be made.	6.						
7. Amount (if any) paid in advance	7.						
8. *Government and head of account to which the payment is debitable.	8.						
9. Date of leaving India	9.						
10. Date on which the Government servant will, during the currency of leave, complete the term of service or attain the age after which, by any rule he is required to retire from the service, as for instance 55 years of age.	10.						
11. †Period for and terms on which leave may be extended, or commuted otherwise than on extraordinary leave.	11.					granted may be extended on medical certificate on without same leave salary by	
(Further particulars required in the case of military officers in civil employ.)							
12. Date of commencement of pension service.	12.						
13. Date of entry under Civil Leave Rules.	13.						
14. Amount of leave at credit at commencement of present leave.	14.					Earned in respect of service under Military Rules. Earned in respect of service while under Civil Rules.	
15. Date of being struck off duty	15.						

*The following particulars should be noted in this line—

- (1) the major, minor and detailed head of account;
- (2) whether debitable to central or provincial revenues; if the latter, the name of the Provincial Government;
- (3) whether the expenditure pertains to a "reserve" or a "transferred" subject;
- (4) whether the expenditure is "voted" or "non-voted."

† If the leave granted is less than 22 months, calculations up to 22 months' absence only may be given in the first instance, and as soon as the leave is extended so as to bring the total period of absence from duty to 22 months or more, an amendment to the original leave salary certificate should be issued at once.

16. DEDUCTIONS TO BE MADE.

Rates.

Indian Civil Service Family Pensions, or Indian Military Widows' and Orphans' Fund Subscription.	For wife self	£	per mensem from
	" sons	£	" "
	" daughters	£	" "
	Total	£	

A balance of donation on for £ and interest £ is recoverable at £ a month from—

General Provident Fund

Indian Civil Service Provident Fund Deductions (if any)

(Signature).

Place.....

Date.....

*In cases of subscribers to Indian Civil Service Family Pensions, interest accrued in India to be given here.

Abbreviations.

M. C.	..	..	Medical Certificate.
E. C. A.	..	..	Exchange Compensation Allowance.
V. M. D.	..	..	Years, Months, Days.
Art.	..	..	Article.

Notes.

- Distinguish leave granted on medical certificate from leave granted without medical certificate and if the leave, though technically of the latter description, was granted in consequence of the production of a medical certificate or on medical grounds, mention the fact.
- Except in the case of Chaplains, leave salary should be stated in whole rupees only a month (fractions being omitted and the next higher rupee taken where the fraction exceeds half) and not in pounds a year; and in entering "the rate of leave salary," it should be stated, in the first place, without reference to the maximum or minimum applicable, and then if a maximum or minimum applies or if the leave salary is such that a future change in the current rate of exchange may render a maximum or minimum applicable, the words should be added "subject to a maximum (or minimum) of," etc.
- The ordinary rate of conversion will be the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment becomes due, subject to a minimum rate of 1s. 4d. per rupee in respect of leave salary drawn on account of the first four months of leave on average pay and of 1s. 6d. per rupee in other cases. The maximum rates of leave salary are those prescribed in Fundamental Rule 89 and the minimum rates those prescribed in Fundamental Rule 90.
- It must be shown whether a Government servant is entitled to the full amount of leave permitted by the rules.
- In line 7 the Article of the Fundamental or other Rules under which the advance is made should be mentioned.
- The date on which any Government servant will, during the currency of leave, complete the term of service, or attain the age after which by any rule he is required to retire from the service, should be shown in line 10.
- These rules apply also to leave salary certificates granted to non-gazetted Government servants when they proceed on leave out of India and draw their leave salary out of India. In such cases the fact that the Government servant is a non-gazetted Government servant should be noted against entry 2.
- In preparing the leave salary certificates of the subscribers to the Indian Military Service Family Pension Regulations and to the Indian Military Widows' and Orphans' Fund, who take leave under the Fundamental Rules, the instructions given in Government of India, Finance Department, No. 914-F.E., dated the 10th May 1922, should also be observed, viz., the leave salary certificate should show clearly the rate of leave salary, the monthly maximum of average pay, whether it is likely to become effective or not, and the period for which the leave salary is not subject to the monthly maximum.
- In the case of Government servants to whom the rules regarding the grant of passages to civilian personnel of British domicile engaged for service in India, apply, an additional entry should be made showing whether they and their families were given the benefit of Rule VII and whether they allowed a similar benefit under either Rule VII or Rule VIII on returning to India.
- In the case of a motor-car and similar advances, the date from which the recovery of monthly instalments should be effected should be noted.
- With the exception of privilege leave earned in a Civil Department, which should be taken first, a military officer in civil employ may set off the leave he takes against the civil leave or military leave at his credit as he may. A definite election in the matter should be obtained from all such officers, and his election should be noted in the leave salary certificate.

F. R. FORM No. 4.

(See paragraphs 15 to 17 of Instructions.)

Audit Officer's letter to the Government servant proceeding on leave out of India.

To

SIR,

With reference to the order noted in the margin, granting you

Here enter number and date
of the order, name of the
authority granting the leave,
and page of the gazette in which
the leave is notified.

 leave out of India, I have the honour to say that it is necessary for you to obtain from me a leave salary certificate to enable you to draw your leave salary.

2. To enable me to prepare your leave salary certificate, it is necessary that you send me the information asked for in the enclosed F. R. Form No. 5 and also your formal certificate of giving over charge of your office, date and hour, at your earliest convenience.

3. If you are in, or intend to pass through (Audit Officer's station), your certificate will be prepared, and your pay and allowances paid up to the date before your leave commences, except in the case referred to in paragraph 4 below, on your calling personally at my office, and presenting a last pay certificate from the officer from whom you last drew your pay and allowances. Otherwise, I shall cause the leave salary certificate to be sent to the address specified by you, and the pay and allowances to be paid through the officer from whom you draw your pay and allowances.

4. Leave salary due for the first four months of leave on average pay taken by itself or in combination with other leave may be drawn either in India or out of India. If you desire to draw it in India a separate leave salary certificate for this portion of the leave will be issued, but you will be allowed to draw the pay and allowances for the broken period of the month up to the date of relief only at the commencement of the next month along with the leave salary for the rest of the month.

5. If you wish to draw your leave salary in India under the provision of paragraph 4 above, you should either grant your agents a power-of-attorney or leave your bills ready signed in their custody for presentation as they fall due. A guarantee bond undertaking to refund overpayments should be furnished by your agents, unless they have executed a general bond of indemnity.

NOTE.—Paragraphs 4 and 5 do not apply to non-gazetted Government servants who have to draw their leave salary through the head of the office and should be omitted from the letters addressed to them.

6. I send herewith a copy of a memorandum of information for the guidance of Government servants proceeding on leave out of India and a blank form (F. R. Form No. 7) of the date of leaving India to be signed and sent to me from the first port at which your vessel touches.

7. If you wish to draw your leave salary in a colony, please send me three specimens of your signature.

Accountant-General
Comptroller.

F. R. FORM No. 5.

(See paragraph 15 of Instructions.)

Information required by the Audit Officer before the leave salary certificate can be drawn up.

(This form should be returned duly filled up to the Audit Officer one clear week before the date of making over charge.)

1. On what date do you intend to make 1.
over charge of your office ?
2. Before or after noon ? 2.
3. At what port do you intend to embark ? 3.
4. By what ship will you sail, and on what 4.
date ?
5. In what country do you wish to draw 5.
your leave salary during leave on
average pay for a period not exceed-
ing four months, if any, at the com-
mencement of your leave ?
6. What is your address in England or in 6.
India or elsewhere to which your leave
salary certificate, to enable you to
draw your leave salary, may be sent,
in case it is not handed over to you
before you go on leave ?
7. What advance, if any, do you require 7.
now ?
8. Do you intend to pay your..... 8.
Civil Fund subscriptions in England
or in India ?
9. Do you wish to subscribe to the General 9.
Provident Fund ? If so, for what
period of year leave and at what rate
per cent. on your leave salary ?

Numbers 3 and 4 are for Government servants to whom the leave rules in Sections I to V of Chapter X of the Fundamental Rules are not applicable.

Number 5. (Leave salary due for the first four months of the period of leave on average pay, if any, at the commencement of any period of leave out of India can be drawn in or out of India at the Government servant's option. In India they can be drawn only on the first of each month in arrears by an authorised agent under a guarantee bond or on production of a life certificate. The allowances for a broken period of a month may be drawn any time after the expiration of the leave.)

Number 7 is for military officers subject to the Military Leave Rules and for Chaplains only.

Number 8 is for members of the Indian Civil Service only.

NOTE 1.—In the case of non-gazetted Government servants to whom Note 9 to F. R. Form 2 or Note 6 to Form No. 1 under the Supplementary Rules apply, an additional question should be inserted to obtain the information required under that note.

NOTE 2.—With the exception of privilege leave earned in a Civil Department, which should be taken first, a military officer in civil employ may set off the leave he takes against the civil leave or military leave at his credit, as he likes. When Form 5 is sent to such an officer, question 10 should be added in manuscript: "Is the leave to be set off against the military leave or against the civil leave at your credit?" The answer should be noted on his leave salary certificate.

Dated at..... (Signature).....

The.....of.....19..... (Designation).....

To the Accountant-General.....

F. R. FORM No. 7.

(See paragraph 20 of Instructions.)

Report of actual sailing.

FROM

.....

TO

THE ACCOUNTANT-GENERAL,.....

SIR,

I have the honour to report that I sailed from India by the steamer "....." which left.....on.....
day the.....of.....19.....

I have, etc.,

(Signed)

Noted and forwarded to the Secretary to the Government of
.....Department.

Accountant-General.
Comptroller.

The.....19.....

F. R. FORM No. 9.

(See paragraph 33 of Instructions.)

Leave account of

三

(1) The account is to be maintained in terms of leave on average pay.
(2) In the case of Government servants already in Government service, the first entries, i.e., the entries that will be made on 1st January 1962 or from the date on which the Government servant concerned comes to come under the Fundamental Rules, will be in columns 3, 4 and 5, the entries to be made in accordance with Fundamental Rule 77 and 78.
(3) When a Government servant applies for leave, column 1 to 3 are to be filled up for arriving at the leave at his credit. The period of leave shown in column (3) should be arrived at by adding the new entry in column (2) to the last previous entry in column (7).
(4) When a Government servant returns from leave, columns 4, 5, 6 and 7 will be filled up. The portion of the leave on half or quarter average pay (together with the leave on subsistence grant under the Note to Rule 88) will be entered in column 5 (c) and this period divided by 2 is the entry to be made in column 5 (b), while the maximum is Fundamental Rule 81 (b).
(5) The maximum amount recoverable from under the periods in column 4 should be applied to the total of the periods in column 5.
(6) If a Government servant goes from under the ordinary to the special leave rule a new leave account must be opened.
(7) When a Government servant leaves another Government, a separate account should be maintained for showing the leave earned under each Government, the cost of which is debited to that Government. This account will be in addition to the main leave account, which must be a complete record of all leave earned and taken under these rules throughout his service.

F. R. FORM No. 9A.

Leave account of..... (Ordinary leave rules.)
Date of commencement of service.....
Date of contract, if any.....

Date of attaining the age of 55/60 years.....
Date of coming under Civil Leave Rules.....

Leave earned.												Leave at credit.			Leave taken.		
												On average Pay.			On half or quarter average pay.		
												Total (cols. 6 + 7).					
												Dates.					
												Against entries in col. 6.					
												Against limit of one year for leave on m. c. and leave spent elsewhere than in India or Ceylon. [Proviso to Rule 81 (b) (ii).]					
												Dates.					
												Actual period.					
												Actual period converted into period in terms of leave on average pay.					
												Total (cols. 10 + 11 + 14).					
												Of leave equivalent to 1/11th of duty subsequent to coming under Fundamental Rules. [Rule 81 (b) (ii)] (cols. 6—10.).					
												Of leave equivalent to balance of 2/11th of duty subsequent to coming under Fundamental Rules. (Col. 7)—(Cols. 11 + 14).					
												Total Col. (8—15.)					
												Remarks.					

Instructions for filling up Form No. F. R. 9A.

1. The account is to be maintained in terms of leave on average pay. For this purpose, actual periods of leave taken on half or quarter average pay as entered in column 13 should be divided by 2 and posted in column 14.

2. In the case of officers who were subject to the Civil Service Regulations Leave Rules before they elected the Fundamental Rules, the account should commence with an opening entry in columns 4, 5, 6, 7, 8, 11, 13, 14, 15, 16, 17, and 18. The words "Due on (date of coming under the Fundamental Rules)" should be written across columns 1, 2 and 3 and against these words credit under rule 77 (b) (ii) (1) should be given in column 4 and column 6 and that under rule 77 (b) (ii) (2) and rule 77 (e) in column 5 and column 7, while debit for commuted furlough taken under the old leave rules should be given in column 11 and that under rule 78, Note (2) (s) (a), in column 13, one half of the latter being entered in column 14. The sum total of the entries in columns 6 and 7 and in columns 11 and 14 should be entered in columns 8 and 15 respectively. The difference between the entries in columns 8 and 15 should be entered in column 18 and the entry in column 4 or 6 should be repeated in column 16, while the entry in column 5 or 7 minus the sum total of the entries in columns 11 and 14 should be shown in column 17.

3. When a Government servant applies for leave, columns 1 to 8 should be filled up. Columns 1, 2 and 3 should show the Government served under and the period of duty up to the date preceding that on which the Government servant intends to go on leave, and columns 4 and 5 should each show 1/11th of this period (but see Note 2 below), the sum total of the two entries representing the period of leave (*i.e.*, 2/11ths of duty) earned under rule 77 (b) (ii) (3). To the new entry in column 4 should be added the last entry in column 16 and the resultant figure should be posted in column 6; similarly, to the new entry in column 5 should be added the last entry in column 17 and the resultant figure should be posted in column 7. The total of the entries in columns 6 and 7 will be shown in column 8.

Note 1.—If during the period of duty prior to a Government servant's going on leave he has served under two or more Governments, the period of duty and the leave earned under each Government should be shown in separate lines in columns 1 to 5 and the sum total of the new entries in column 4 and the last entry in column 16 should be posted in column 6 and of those in column 5 and the last entry in column 17 and column 7, the total of the entries in columns 6 and 7 being shown in column 8.

Note 2.—The sum total of the entries in column 5, inclusive of the opening entry mentioned in instruction No. 2, should not exceed $2\frac{1}{2}$ years [rule 81 (a) (ii)], and no entry should be made in this column when this limit of $2\frac{1}{2}$ years is reached.

When columns 1 to 8 have been posted, column 8 will show the *maximum amount of leave which may be granted in terms of leave on average pay* [*but see rule 81 (d)*] to a Government servant on the date on which he intends to go on leave. The *maximum amount of leave on average pay* which may be granted on that date with medical certificate or out of India and Ceylon will be the sum total of the last entry in column 6, and the unspent balance of "one year" limited to 8 months at a time, provided this sum total is covered by the period entered in column 8; in the case of leave in India or Ceylon without

medical certificate, the maximum will be the last entry in column 6, limited to 4 months at a time. The limits of 8 and 4 months may be exceeded as provided in the Note of Fundamental Rule 81 (b).

4. When a Government servant returns from leave, columns 9 to 18 should be filled up. The period of leave taken on average pay should be entered in columns 9, 10 and 11, that taken on medical certificate or spent elsewhere than in India or Ceylon should be entered in column 11 till the limit of 1 year is reached and thereafter in column 10. The actual periods of leave on half or quarter average pay (together with leave on subsistence grant under the Note to Fundamental Rule 88) and overstayal of leave (*vide* Fundamental Rule 73) should be entered in column 13 and one-half of it in column 14.

NOTE 1.—Leave on average pay taken under the Fundamental Rules in India without medical certificate in excess of the last entry in column 6 before the deletion of "plus 1 year" from rule 81 (b) (ii) should be entered in column 11.

NOTE 2.—If the leave taken exceeds the amount at credit, the excess representing leave not due but granted under rule 81 (c) (i) and (ii) should be shown in red ink in column 17.

5. The total period of leave in terms of leave on average pay taken in a Government servant's whole service as entered in column 15 should not exceed the privilege leave credited to him in column 4 on his coming under the Fundamental Rules *plus* all periods of leave subsequently entered in that column *plus* 2½ years.

6. When a Government servant is transferred to service under another Government, a separate account should be opened in this form for showing the leave earned under that Government and the leave the cost of which is debited to that Government. This account will be in addition to the main leave account which must be a complete record of all leave earned and taken under these rules throughout his service.

F. R. FORM No. 10.

(See paragraph 34 of Instructions.)

Service Book.

Space should be provided on the reverse of the title page of the service book to record thumb and finger impressions of (non-gazetted) Government servants under the following heading:—

“ Thumb and finger impressions (of non-gazetted) Government servant.”

The opening page of the service book should contain the following entries:—

- (1) Name.
- (2) Race.
- (3) Residence.
- (4) Father's name and residence.
- (5) Date of birth by the Christian era as nearly as can be ascertained.
- (6) Exact height by measurement.
- (7) Personal marks for identification.
- (8) Signature of Government servant.
- (9) Signature and designation of the head of the office or other attesting officer.

Note.—The entries in this page should be renewed or re-attested at least every five years, and the signature in lines (8) and (9) should be dated.

The remaining folios of the service book should be divided into fifteen columns, *viz.* :—

- (1) Name of appointment.
- (2) Whether substantive or officiating, and whether permanent or temporary.
- (3) If officiating, here state substantive appointment.
- (4) Pay in substantive appointment.
- (5) Additional pay for officiating.
- (6) Other emoluments falling under the term “ pay.”
- (7) Date of appointment.
- (8) Signature of Government servant.
- (9) Signature and designation of the head of the office or other attesting officer in attestation of columns 1—8.
- (10) Date of termination of appointment.
- (11) Reason of termination (such as promotion, transfer, dismissal, etc.).
- (12) Signature of the head of office or other attesting officer.
- (13) Leave taken—nature and duration of.
- (14) Signature of the head of the office or other attesting officer.
- (15) Reference to any recorded punishment or censure, or reward or praise of the Government servant.

FORM No. I UNDER THE SUPPLEMENTARY RULES.

(See paragraphs 14 and 16 of Instructions.)

Colonial Leave Salary Warrant.

(For I. C. S. and Military Officers in Civil Employ.)

(Obverse.)

Warrant No.....of 19 .

Mr.....
 having been granted leave for a period of.....months and
days under the orders of the Government of.....
 is hereby allowed the privilege of drawing his leave salary at
from.....

2. His leave salary will be as shown below and will be payable
 monthly in sterling converted from rupees at the rate of exchange for
 telegraphic transfers from Calcutta on London on the day on which
 each monthly payment becomes due, but will be subject to the following
maxima and minima :—

Period.	Rate in rupees a month.	Minimum rate of exchange.	Minimum. £ a month.	Maximum. £ a month.
From.....to.....				
From.....to.....				
From.....to.....				

3. The payments should be charged to the High Commissioner for India for appropriation by him of the leave salary under the following heading :—

4. The following deductions are to be made from the leave salary of each month before payment :—

		Rate.
Indian Civil/Military Service Family Pensions	.. { For wife .. £ per mensem.	
	.. self .. £ "	
Or Indian Military Widows and Orphans ..	.. sons .. £ "	
Fund subscription .. .. ..	.. daughters £ .. "	
	Total .. £	

at £ A balance of donation on/for ; and interest £* is recoverable

Indian Civil Service Provident Fund Deductions (if any).

*In cases of subscribers to the Indian Civil Service Family Pension, interest accrued in India to be given here.

Where the amount of a deduction is expressed in rupees, it shall be converted into sterling at the same rate as the leave salary from which it is deducted.

Accountant-General
Comptroller.

The.....19.....

Dated at.....

(Reverse.)

Name, rank and description of payee.	Period for which payment is made.	Monthly rate.	Amount.	Signature of paying officer.	Receipt of payee.
		£ s. d.	£ s. d.		

One copy of this warrant will be retained by..... and will be given up to the Audit Officer in India on his return to India. Each payment will be recorded on the reverse of the copies kept by the Colonial Disbursing Officer and by..... and will be certified by the paying officer and receipted by.....

NOTE 1.—Leave salary is payable in rupees to Government servants residing in Ceylon during their leave (Fundamental Rule 91).

NOTE 2.—The signature of the Government servant concerned should be obtained on the "original" copy of the warrant.

NOTE 3.—The ordinary rate of conversion will be rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment becomes due, subject to the minimum rate of 1s. 4d. per rupee in respect of leave salary drawn on account of the first four months of leave on average pay and of 1s. 6d. per rupee in other cases. The maximum rates of leave salary are those prescribed in Fundamental Rule 89 and the minimum rates those prescribed in Fundamental Rule 90.

NOTE 4.—In the case of Government servants to whom the rules regarding the grant of passages to civilian personnel of British domicile engaged for service in India apply, an additional entry should be made showing whether they and their families were given the benefit of Rule VII, and whether they were allowed a similar benefit under either Rule VII or Rule VIII on returning to India.

NOTE 5.—The paying officer, except in the case of a dominion or colony which accounts direct to India, is requested to advise the High Commissioner for India, 42, Grosvenor Gardens, London, S.W. 1, promptly on the officer's departure from such dominion or colony, whether for India, England or any other dominion or colony, giving particulars of amounts of pay issued and of any deductions therefrom.

FORM NO. IA UNDER THE SUPPLEMENTARY RULES.

Colonial Leave Salary Warrant.

(For uncovenanted services.)

(Obverse.)

Warrant No.....of 19

Mr.
 having been granted leave for a period of months and days under the orders of the Government of is hereby allowed the privilege of drawing his leave salary at from

2. His leave salary will be as shown below and will be payable monthly in sterling converted from rupees at the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment becomes due, but will be subject to the following *maxima* and *minima* :—

Period.	Rate in rupees a month.	Minimum rate of exchange.	Maximum.	Minimum.
			£ a month.	£ a month.
From to				
From to				
From to				

3. The payments should be charged to the High Commissioner for India for appropriation by him of the leave salary under the following heading :—

.....

4. The following deductions are to be made from the leave salary of each month before payment :—

General Provident Fund.

Where the amount of a deduction is expressed in rupees, it shall be converted into sterling at the same rate as the leave salary from which it is deducted.

Accountant-General
Comptroller.

Dated at

The 19

(Reverse.)

Name, rank and description of payee.	Period for which payment is made.	Monthly rate.	Amount.	Signature of paying officer.	Receipt of payee.
		£ s. d.	£ s. d.		

One copy of this warrant will be retained by.....and will be given up to the Audit Officer in India on his return to India. Each payment will be recorded on the reverse of the copies kept by the Colonial Disbursing Officer and byand will be certified by the paying officer and receipted by.....

Note 1.—Leave salary is payable in rupees to Government servants residing in Ceylon during their leave (Fundamental Rule 91).

Note 2.—The signature of the Government servant concerned should be obtained on the "original" copy of the warrant.

Note 3.—The ordinary rate of conversion will be rate of exchange for telegraphic transfer from Calcutta on London on the day on which each monthly payment becomes due, subject to the minimum rate of 1s. 4d. per rupee in respect of leave salary drawn on account of the first four months of leave on average pay and of 1s. 6d. per rupee in other cases. The maximum rates of leave salary are those prescribed in Fundamental Rule 89 and minimum rates those prescribed in Fundamental Rule 90.

Note 4.—In the case of Government servants to whom the rules regarding the grant of passages to civilian personnel of British domicile, engaged for service in India, apply, an additional entry should be made showing whether they and their families were given the benefit of Rule VII, and whether they were allowed a similar benefit under either Rule VII or Rule VIII on returning to India.

Note 5.—The paying officer, except in the case of a dominion or colony which accounts direct to India is requested to advise the High Commissioner for India, 42, Grosvenor Gardens, London, S.W. 1, promptly on the officer's departure from such dominion or colony, whether for India, England or any other dominion or colony, giving particulars of amounts of pay issued and of any deductions therefrom.

FORM No. II UNDER THE SUPPLEMENTARY RULES.

Certificate of Leave.

Granted to..... proceeding out of India.

1. Government under which employed.
2. Post last held.
3. Nature of leave granted.
4. Date of commencement of leave.
5. Date of expiry of leave.
6. Whether a medical certificate of fitness must be produced before return to duty.
7. Amount of leave, expressed in terms of leave on average pay, at the Government servants' credit on the expiry of the present leave.
8. Period of leave on average pay which might under Fundamental Rule 41 be granted if the present leave were extended. (Further particulars required in the case of Military officers in civil employ.)
9. Date of entry under Civil Leave Rules.
10. Amount of leave at credit at commencement of present leave—
Earned in respect of service under military rules.
Earned in respect of service under civil rules.

(Signature),

The.....19.....

(Designation).

NOTE 1.—No leave salary is payable on this certificate.

NOTE 2.—This certificate must not be produced before the High Commissioner, with any application for an extension of leave or permission to return to duty or the grant of a last pay certificate.

Memorandum explaining how the existing orders in the several articles in the Civil Service Regulations have been dealt with in the instructions issued by the Auditor-General under Fundamental Rule 74.

1. *Paragraph 1.*—This includes the provisions contained at present in clauses (a) and (d) of article 841 of the Civil Service Regulations. Under the existing system of audit it is necessary that the Audit Officer should certify the admissibility of the leave before it is sanctioned. The provision has, therefore, been retained as an instruction of the Auditor-General.

2. *Paragraph 2.*—This order is not based on any rule at present included in the Civil Account Code or the Civil Service Regulations. A similar rule is, however, included in some departmental codes (*vide e.g.*, paragraph 109, Public Works Department Code), and is followed in practice in all civil offices. Only leave which is admissible can be sanctioned and the admissibility of the leave can be verified only by a reference to the leave account. It is considered that an explicit rule to this effect should be contained in the authorised instructions.

3. *Paragraph 3.*—This provides for the orders in the Note under rule 1 below clause (i) of article 314, Civil Service Regulations.

4. *Paragraph 4, clause (a).*—The provision in this clause is intended to replace the orders contained in articles 855A and 856, Civil Service Regulations. The orders as they stand are very complicated and prescribe different sets of procedure for different kinds of officers. It would be sufficient if all the applications are required to be sent to the Civil Audit Officer who will, when necessary, consult the Military Audit Officers. Clause (b) provides for the orders contained at present in articles 856 (c), 860, the Note under 871 and 875. As the Civil Audit Officer has to consult the Military Controller he can obtain the certificate at the same time.

5. *Paragraph 5.*—This reproduces the portion of orders in article 780, Civil Service Regulations, which is essential for purposes of audit.

6. *Paragraph 6.*—Article 865 prescribes the locality in which the leave salary of a non-gazetted Government servant should be drawn and the conditions which should be observed before it can be paid. Orders regarding locality cannot be issued as part of audit requirements and so paragraph 6 only prescribes the other conditions contained in article 865. The general orders framed by the Governor-General in Council under rule 16 of the Devolution Rules, include a provision to the effect that the leave salary of a non-gazetted Government servant paid in India should be drawn only in that district in which his pay could be drawn if he were on duty.

7. *Paragraph 7.*—This reproduces that portion of the orders in article 874 which relates to payment of leave salary in India. The term "office of payment" has been substituted for "treasury" so that the rule may be applied even in the case of those departments which make their own payments, e.g., by cheques.

8. *Paragraph 8.*—This reproduces the orders in article 878 except that the provision that a certificate is necessary only when the Government servant proceeds from one place to another has been cancelled because an authority from the Audit Officer specifying the leave salary permissible is necessary in all cases. A clause has also been added at the end of this paragraph to the effect that, when the Government servant desires to change the office of payment, a fresh leave salary certificate must be obtained from the Audit Officer within whose jurisdiction his last pay was drawn. This clause is taken from article 887. As the instructions apply also to cases of Government servants on leave in India, it has been included in this paragraph.

9. *Paragraph 9.*—This reproduces the orders in article 864, Civil Service Regulations.

10. *Paragraph 10.*—This provides for the procedure laid down in Fundamental Rule 91, by which Government servants who reside in Asia during the leave have to draw their leave salary in India. The Note under the paragraph is an audit requirement.

11. *Paragraph 11.*—This is intended to preserve the special procedure obtaining at present in these departments which is safeguarded by article 866, Civil Service Regulations.

12. *Paragraph 12.*—A last pay certificate has to be produced by a Government servant who has to draw arrears of leave salary or pay due under article 41, Civil Account Code, Volume I (8th edition).

13. *Paragraph 13.*—This reproduces the orders in article 775A, Civil Account Code, Volume II (7th edition).

14. *Paragraph 14.*—This reproduces part of the orders in article 874, Civil Service Regulations, relating to the issue of a leave salary certificate to those who desire to draw their leave salary at the Home Treasury and part of the orders in article 888, Civil Service Regulations, relating to the issue of a colonial warrant, with this difference that the Audit Officer who audits the pay of a Government servant is required to issue the colonial leave salary warrant in the place of Audit Officers at the ports of embarkation in India or Burma who were formerly issuing the warrants as stated in article 888, Civil Service Regulations. The issue of a separate leave salary certificate by the Audit Officer concerned as specified in article 881 becomes unnecessary as he will himself issue a colonial leave salary warrant. A clause has been added to this rule providing for cases in which a gazetted Government servant may wish to draw his leave salary in India during the first four months of leave on average pay. In these cases the leave salary certificate, such as is ordinarily issued to a Government servant drawing his leave salary in India, should be issued to cover the period during which the Government servant wishes to draw his leave salary in India. This rule does not provide for non-gazetted Government servants proceeding on leave out of India as their cases are covered by paragraph 6 of these Instructions.

15. *Paragraph 15.*—This provides for the orders in article 880, Civil Service Regulations. The Note under the article is taken from article 775, Civil Account Code, Volume II (7th edition).

16. *Paragraph 16* reproduces part of the orders in article 881 which are not included in paragraph 14 as well as part of the orders in article 889. The existing orders require that the Government servant going on leave out of India should be paid up to the day before he leaves India. These orders apply to the case of Government servants who proceed on leave to which no privilege leave is prefixed. When the Government servant goes on privilege leave or on combined leave, he is allowed to draw his allowances in England from the commencement of such leave. In future it would be simpler to have the leave salary due from the commencement of the leave paid in England, if the Government servant so chooses, in all cases subject to the conditions in Fundamental Rule 91. This rule accordingly provides that the Government servant should be paid up to the date of his relief.

17. *Paragraph 17.*—This reproduces the orders in article 882, except that it is provided that the Government servant should be paid up to the date of his relief and not up to the date of his sailing.

18. *Paragraph 18.*—This is taken from articles 872 and 873, Civil Service Regulations.

19. *Paragraph 19.*—This is in accordance with article 904, Civil Service Regulations.

20. *Paragraph 20.*—This reproduces the orders in article 883, Civil Service Regulations. As, under Fundamental Rule 68, the leave of a Government servant commences on the day on which transfer of charge is effected and does not depend upon the date of departure of the vessel in which the Government servant sails, the report of actual sailing is not required in the case of those to whom the rules in Sections I to V of Chapter X of the Fundamental Rules are applicable.

21. *Paragraph 21.*—This provides for the orders in article 884 and part of article 889. "The High Commissioner for India" has been substituted for the "Secretary of State" and "India Office" as the former officer is now making payments of leave salary in England.
22. *Paragraph 22.*—This reproduces the orders in article 885, Civil Service Regulations.
23. *Paragraph 23.*—This provides for the orders in article 898 (a), Civil Service Regulations.
24. *Paragraph 24.*—This is taken from the latter part of article 300, Civil Service Regulations.
25. *Paragraph 25.*—This is a reproduction of the orders in article 877, Civil Service Regulations.
26. *Paragraph 26.*—This is a part of the orders in article 889, Civil Service Regulations.
27. *Paragraph 27.*—This is taken from articles 886 and 890, Civil Service Regulations.
28. *Paragraph 28* is taken from article 876, Civil Service Regulations.
29. *Paragraphs 29 to 32* are taken from articles 855, 857 (b) and (c) and 611, Civil Service Regulations.
30. *Paragraph 33.*—This is a necessary record for purposes of reference.
31. *Paragraphs 34 and 35.*—These rules indicate the form in which records of service of non-gazetted Government servants should be maintained and the procedure that should be followed in maintaining them.

F. R. FORM No. 5A.

Memorandum of Information for the Guidance of Government Servants proceeding on leave out of India.

1. *Report of sailing.*—If a certificate of departure accompanies this memorandum, the Government servant should sign, stamp and post it to the Audit Officer from whom the memorandum is received.

2. *Date of commencement of leave.*—Leave begins on the day on which transfer of charge is effected, or if charge is transferred after noon, on the following day.

3. *Leave salary certificate for payment in India.*—Under Fundamental Rule 91, a Government servant may draw in India the leave salary of the first part of any period of leave on average pay up to a maximum of four months whether such leave be taken by itself or at the commencement of a longer period of leave. When a Government servant on leave out of India exercises this option and desires to draw his leave salary in India—

- (1) his pay and allowances up to the date preceding that on which his leave commences are payable in India under the usual rules; and
- (2) if he is a gazetted Government servant, he must inform the Audit Office which audits his pay in his last post, through a form which will be received from it, from what treasury he wishes to draw his leave salary and through what agency.

4. *Leave salary certificate for payment at the Home Treasury.*—In cases not falling under paragraph 3 above—

- (1) the pay and allowances of the Government servant will be paid to him before he leaves India and the Audit Officer who audits his pay in his last post will arrange for this; and
- (2) the Government servant must take with him a leave salary certificate to enable him to draw his leave salary from the Home Treasury.

If the certificate cannot be prepared in time, or if a Government servant proceeding on leave to Europe is compelled to leave without a certificate, it will be forwarded to him to any address which he may leave.

5. *Colonial leave salary warrant for payment of leave salary in a colony.*—If a Government servant intends to draw leave salary in any of His Majesty's colonies, the Audit Officer who audits his pay in his last post will furnish him with a warrant addressed to the colonial officer only on condition that any fund subscriptions due from him shall either be paid in advance or taken by deduction; in the latter case, the warrant to the colony will show only the net amount payable after such deduction.

6. *Leave on medical certificate.*—A Government servant taking leave out of India on medical certificate should take with him one copy of the medical report upon his case, and be prepared to produce it before the Medical Board at the India Office, if required to do so.

7. *Certificate of leave necessary in certain cases.*—If a Government servant proceeds on extraordinary leave out of India, or on leave on average pay out of India during which he does not propose to draw leave salary, or if a Government servant proceeds to a colony, he should obtain a certificate of leave in Form No. II under the Supplementary Rules from the Audit Officer who audits his pay in his last post. This certificate has to be presented by the Government servant to the High Commissioner for India, if he is on leave in Europe, North Africa, America or the West Indies and applies for extension of leave or for permission to return to duty or for a last pay certificate before returning to duty.

8. *Subscriptions to funds.*—Subscriptions on account of the Bengal, Bombay and Madras Civil Funds, and the Bengal and Madras Service Family Pension Fund may be paid either in India or in England at the option of the subscriber, and arrangement should be made for such payment by the subscriber. In the case of military officers in civil employ subscriptions on account of Indian Military Service Family Pension Fund will be deducted from the leave salary of the officers concerned. Officers should see that the necessary deductions are made. Premia and subscriptions on Postal Insurance Policies and contracts for monthly allowances, subscriptions for the Uncovenanted Service Family Pension Fund, the General Family Pension Fund, and the Hindu Family Annuity Fund are not payable in England.

9. Subscriptions to the General Provident Fund may be paid by remittance in cash to the Audit Officer which audited his pay in his last post in the case of a Government servant on leave who draws his leave salary from a colonial treasury, but when a subscriber draws his leave salary from the Home Treasury of the Government of India, his subscription may be paid by deduction from such salary.

A Government servant who draws his leave salary from the Home Treasury and who desires to subscribe during his leave or any part of it must notify his intention beforehand in order to allow of the deductions from his leave salary being noted in his leave salary certificate. Unless an extension of leave is granted, the option thus notified will be final.

10. Before departure on leave, a subscriber to the Indian Civil Service Provident Fund should intimate to the Account Officer of the province or department in which he is permanently employed, the amount which he desires to contribute monthly during his leave. A subscriber to the Bengal and Madras Service Family Pension Fund should communicate with the Accountant-General, Central Revenues; and a subscriber to any other fund with the Secretary of the fund concerned, informing him of the arrangement he proposes to make regarding the payment of his subscription during his absence.

11. Contributions due under the Indian Civil Service Family Pension Regulations must be paid in England in sterling. If a subscriber, previous to quitting India, has commenced the payment of any donation by instalments, he may either complete the payment of his donation in India before leaving or pay the remaining instalments in England at English rates. Subscribers to this fund will obtain, from the Audit Officer who audits his pay in his last post, a certificate of the date up to which they have paid their subscriptions.

12. *Report of arrival in the United Kingdom.*—When a Government servant arrives in the United Kingdom, he should at once report his arrival by letter to the High Commissioner for India, giving an address at which letters will find him, and he should forward his leave salary certificate to the same authority on arrival, or as soon as he receives it from India.

13. *Payment at the Home Treasury.*—The leave salary of all Government servants is issued from the Home Treasury monthly in arrear on the first day of each calendar month. They will be paid to the Government servant on his personal application, or to his banker or other agent, duly authorised under power-of-attorney, on production of a life certificate filled up and executed in the manner directed thereon (except in cases where proof of existence is not required owing to the banker having guaranteed the Secretary of State or the High Commissioner against loss consequent on his dispensing with the production of such proof), or on presentation of a payment form comprising a receipt and a life certificate both duly completed by the Government servant. A supply of life certificate forms may be obtained from the High Commissioner on the Government servant's written application.

NOTE.—If the Government servant intimates to the High Commissioner his election of this method, he will be regularly supplied with the requisite payment form as the due date of issue approaches.

14. *Payment in a colony.*—Payment of leave salary will not be made by a colonial authority unless the Government servant produces his copy of the warrant. Each payment made in the colony will be endorsed upon the warrant.

When no space for the entry of endorsements of payment remains upon the back of a colonial leave salary warrant, or when a warrant is lost or destroyed, the Government servant concerned should make an application for a fresh warrant through the Colonial Disbursing Officer to the Audit Officer who issued the original warrant.

15. *Transfer of payment from one colony to another.*—If the transfer from one colony to another of payment of the leave salary of a Government servant is sanctioned by the colonial authorities, such transfer must be reported by the Government servant to the Governor-General in Council and to the High Commissioner.

16. *Transfer of payment from the Home Treasury to a colony and vice versa.*—If a Government servant drawing his leave salary in a colony desires to transfer payment to the Home Treasury, he can do so on production of his warrant to the High Commissioner. If one drawing his leave salary from the Home Treasury desires to transfer payment to a colony, he must obtain a warrant from the High Commissioner. A transfer of this kind must be reported by the Government servant to the Governor-General in Council.

17. *Extension or commutation of leave.*—A Government servant absent on leave in Europe, North Africa, America or the West Indies who wishes to have his leave extended or commuted, must apply to the High Commissioner for India about three months before the expiry of his leave, and, unless the extension is desired on medical grounds, or is for a period of not more than 14 days, he must produce with his application evidence that the Government on whose cadre he is borne has been referred to by him and has no objection to the extension or commutation desired. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence and

then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense.

18. If on medical grounds a Government servant on leave in any of the localities named in paragraph 17 desires an extension for more than 14 days, he must satisfy the Medical Board at the India Office of the necessity for the extension. In order to do so, he must as a general rule, appear at the India Office for examination by the Board, but in special cases, and particularly if he is residing at a distance of more than 60 miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the United Kingdom and signed by foreigners must be attested by consular or other authority as bearing the signature of qualified medical practitioners. If application for extension be delayed until the last two months of leave, advice of any extension granted for a period of more than seven days will be sent to India by telegraph and the cost of the telegram will ordinary be charged to the Government servant.

19. If a Government servant on leave in any of the localities named in paragraph 17 has been granted leave on medical certificate and desires an extension on grounds other than medical, he must satisfy the Medical Board as prescribed in paragraph 18 above that he has recovered his health. Any such extension without medical certificate will only be admissible if the extension was due at the time the original leave was granted.

In the case of a Commissioned Medical Officer the local Government will make a reference to the Director-General, Indian Medical Service, before granting the permission.

20. A Government servant on leave out of India elsewhere than in any of the localities named in paragraph 17, who wishes to have his leave extended or commuted, must apply three months before the expiry of the leave to the authority in India which granted it.

21. If an application made under paragraph 20 above is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form:—

"We hereby certify that we have carefully examined C. D. of the.....who is suffering from.....and we declare upon our honour that, according to the best of our judgment and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave, which will expire in India on.....shall be extended by.....
 months
 weeks

Date.....

Place.........."

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant. If it be signed by foreigners, it must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

22. An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave salary certificate or colonial leave salary warrant has been issued unless he produces a certificate of leave (*vide* paragraph 7 ante).

23. Leave out of India on medical certificate may be commuted into leave without medical certificate if such leave was due at the time when the original leave was granted, and if the Government servant seeking commutation is certified, in the manner prescribed, to have recovered his health. When extension of the commuted furlough is applied for, the application must be supported by evidence that the Government servant's local Government consents to the extension of his leave.

24. A Government servant who remains absent after the end of his leave is entitled to no leave pay for the period of such absence unless his leave is extended by the local Government. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of Fundamental Rule 15, which runs as follows:—

“A Government servant shall not, save in the case of inefficiency or misbehaviour, be transferred substantively to a post carrying less pay than his relative position in the cadre of the service to which he belongs would justify.”

25. *Return from leave.*—A Government servant may not, without the permission of the authority which granted him leave, return to duty more than fourteen days before the end of long leave. The rule applies to military officers subject to the Military Leave Rules. He must obtain permission to return to duty from the local Government.

26. A Government servant who is required to produce a medical certificate of fitness before returning to duty must obtain permission to return to duty before so returning.

27. If the Government servant desiring to return is on leave in any of the localities named in paragraph 17, his application must be made to the High Commissioner and he must satisfy the Medical Board at the India Office of his fitness to return at least two months before the expiry of his leave. In order to do so, he must follow the procedure prescribed in paragraph 18 above. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.

28. If the Government servant desiring to return is on leave out of India elsewhere than in the localities named in paragraph 17, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

29. Permission to return will not be granted to a Government servant to whom no leave salary certificate or colonial leave salary warrant has been issued, until he produces a certificate of leave.

30. *Last pay certificate.*—Before returning to duty, a Government servant on leave in Europe must obtain a last pay certificate from the High Commissioner and bring it with him to India and not leave it with his Home Agent as it will be required for presentation to the Audit Officer if it is desired to draw on arrival in India the advance which is permissible under paragraph 35. In such an event the English last pay certificate should be with the Government servant as it facilitates his identification at the Audit Office and the advance has to be recorded on the certificate. A last pay certificate will not be granted to a

Government servant to whom no leave salary certificate has been issued unless he produces a certificate of leave. A Government servant who has drawn his leave salary on a warrant must, on return to India, deliver to the Audit Officer by whom the pay of the post which he will join be audited, his copy of the warrant which will serve as a last pay certificate.

31. *Procedure on return to duty.*—A gazetted Government servant must report his return to duty to the Government under which he is serving. A Chaplain must report his return to the Bishop of his Diocese also.

32. A Government servant is not entitled on his return from leave to resume, as a matter of course, the particular post he vacated before his departure on leave, even though that post may be his substantive post; he must report his return to duty and await orders.

NOTE.—Members of the Engineer or Upper Subordinate Establishment of the Public Works Department should, on arrival at the port of debarkation, report themselves personally to the Secretary in the Public Works Departments of Bengal, Madras, Bombay or Burma, as the case may be, and ask for orders. If they return via Karachi, they should apply to the office of the Executive Engineer, Karachi Canals, for orders.

33. A Government servant may return to India by any port and his leave ends on the day preceding that on which the vessel arrives at the port where he last quits it. If, however, the leave from which he returns is of four months' duration or less, his leave ends on the day preceding that on which he takes charge of his duties, unless he takes charge in the afternoon when the leave terminates on and includes that day.

34. On return to duty, the last pay certificate obtained from the High Commissioner should be exchanged for a last pay certificate which the Audit Office of the province to which he has been posted will furnish addressed to the treasury or office at which, after his return, the Government servant intends to draw his pay and allowances.

35. *Advances.*—A Government servant returning from leave out of India may be granted an advance of his leave salary for the unexpired portion of his leave subject to a maximum of 35 days from the date of embarkation for India. On arrival in India an advance may, if he desires it, be paid to a Government servant by or under the order of the Audit Office of the province to which he has been posted under rules framed by the local Government.

To a Chaplain appointed before the 7th June 1923, who is proceeding on leave to England, an advance of three months' leave salary may be made provided that no part of the leave is on average pay. Such an advance is not recoverable in the event of the Chaplain's death.

To a military officer subject to the Military Furlough Regulations of 1868 proceeding on furlough (not combined with privilege leave) to England, an advance of furlough pay may, if he desires it, be made for three months from the date of embarkation. Payments in continuation will be made in England on the expiration of four months from that date.

36. *Acceptance of service during leave.*—A Government servant is not permitted to take any service or accept any employment without obtaining the previous sanction of—

(a) the Secretary of State, if the Government servant is residing in Europe, North Africa, America or the West Indies; or

[A civil Government servant on leave, who has received orders from the War Office or any other Department of State in England to undertake any duty in the case of a national emergency, should obtain the permission of the Secretary of State before complying with such orders.]

(b) the Governor-General in Council, or the authority competent to appoint him, if, he is residing elsewhere.

37. *Hospital for Tropical Diseases, Endsleigh Gardens.*—Government servants from India in the United Kingdom suffering from tropical diseases are not always aware that, whether they are actually on leave on medical certificate or not, it may be to their advantage to appear before the Medical Board in order that the Board may advise them as to the best steps to take regarding such diseases.

Arrangements have been made for the diagnosis and preliminary treatment of the diseases at the Hospital for Tropical Diseases, Endsleigh Gardens, N. W. 1. A report is furnished to officers by the hospital, which they can take with them to their own medical adviser, who can then carry out the treatment suggested. The expense of the examination and preliminary treatment at the Hospital for Tropical Diseases is defrayed by the India Office.

To secure these advantages, however, a recommendation to the Hospital for Tropical Diseases by the Medical Board is necessary, and, therefore, Government servants who wish to avail themselves of this arrangement should apply to appear before the Medical Board of the India Office as soon as possible after arrival.

APPENDIX No. 18

[F. R. 74 (b).]

Leave Procedure Rules made under Fundamental Rule 74 (b).*Report of Arrival in the United Kingdom.*

1. A Government servant taking leave in the United Kingdom must report his arrival in that country to the High Commissioner for India.

Payment of Leave Salary.

2. *Payment at Home Treasury.*—No Government servant can begin to draw leave salary from the Home Treasury until he has presented to the High Commissioner a leave salary certificate in such form as the Auditor-General may prescribe.

3. Leave salary is issued from the Home Treasury monthly in arrear on the first day of each calendar month.

4. Payment will be made, at the option of the Government servant drawing leave salary, by any of the following methods:—

- (a) To the Government servant himself on his personal application.
- (b) To his banker or other agent, duly authorised under power-of-attorney, on production of a life certificate duly filled up and executed. In cases where the banker has guaranteed the Secretary of State or the High Commissioner against loss consequent upon dispensation with proof of existence, a life certificate is unnecessary.

Note.—A supply of life certificate forms may be obtained from the High Commissioner.

- (c) To the presenter of a payment form comprising a receipt and a life certificate, both duly completed by the Government servant.

Note.—If the Government servant intimates to the High Commissioner his election of this method, he will be regularly supplied with the requisite payment form as the due date of issue approaches.

5. *Payment in a colony.*—No Government servant can begin to draw leave salary from a colonial treasury until a warrant in Form I has been issued in his favour. Such warrants will be issued in triplicate. The original, bearing the Government servant's signature, will be forwarded by the issuing authority to the colonial authority concerned; the duplicate to the High Commissioner; and the triplicate will be retained by the Government servant. Payment of leave salary will not be made unless the colonial authority is in possession of the original and the Government servant of the triplicate of the warrant.

6. Each payment of leave salary must be endorsed upon the back of both the original warrant and the triplicate, and an acknowledgment of receipt must be endorsed by the Government servant upon the back of both copies.

7. When no space for the entry of endorsements of payment remains upon the back of a warrant, or when a warrant is lost or destroyed, a fresh warrant will be issued by the original issuing authority on the application of the Government servant submitted through the colonial disbursing officer.

8. If the transfer from one colony to another of payment of the leave salary of a Government servant is sanctioned by the colonial authorities, such transfer must be reported by the Government servant to the Governor-General in Council and to the High Commissioner.

9. *Transfer of payment from the Home Treasury to a colony and vice versa.*—(a) If a Government servant who is drawing his leave salary in a colony desires to transfer payment to the Home Treasury, he can do so on production of his warrant to the High Commissioner.

(b) If a Government servant who is drawing his leave salary from the Home Treasury desires to transfer payment to a colony, he must obtain a warrant in Form I from the High Commissioner, who will forward the original of the warrant to the colonial authority concerned.

(c) A transfer sanctioned under clause (a) or (b) of this rule must be reported by the Government servant to the Governor-General in Council.

Extension of Leave.

10. *General rule.*—A Government servant absent from India on leave who desires an extension of his leave must make application for such extension not less than three months before the expiry of his leave. An application made within three months from such expiry will not be considered unless special reasons for consideration exist.

11. *Applications by Government servants on leave in Europe, North Africa, America or the West Indies.*—An application for extension of leave by a Government servant on leave in Europe, North Africa, America or the West Indies must be made to the High Commissioner. Unless the extension is desired on medical grounds or is for a period of not more than fourteen days, the application must be accompanied by evidence that the Government on whose cadre the Government servant is borne has been consulted and has no objection to the extension. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence, and then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense.

12. If a Government servant on leave in any of the localities named in rule 11 desires, on medical grounds, an extension for a longer period than fourteen days, he must satisfy the Medical Board at the India Office of the necessity for the extension. In order to do so, he must, as a general rule, appear at the India Office for examination by the Board; but in special cases, and particularly if he be residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the United Kingdom and signed by foreigners must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

13. If a Government servant on leave in any of the localities named in rule 11 desires, on grounds other than medical, an extension of leave granted on medical certificate, he must satisfy the Medical Board at the India Office, by the procedure described in rule 12, that he has recovered his health.

14. *Applications by Government servants on leave elsewhere out of India.*—An application for extension of leave by a Government servant on leave out of India elsewhere than in the localities named in rule 11 must be made to the authority which granted the leave.

15. If an application made under rule 14 is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form:—

"We hereby certify that we have carefully examined C. D. of the who is suffering from..... and we declare upon our honour that, according to the best of our judgment and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave, which will expire in India on....., shall be extended by

..... months ..
..... weeks ..

Date.....

Place.....

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant. If it be signed by foreigners, it must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

16. *Certificate of leave necessary before extension can be granted to a Government servant who is not in possession of a leave salary certificate.*—An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave salary certificate has been issued, or who has exchanged his leave salary certificate for a warrant before leaving India, unless he produces a certificate of leave in Form II.

Return from Leave.

17. *Permission to return.*—A Government servant who is required, by or under Fundamental Rule 71, to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning.

18. If the Government servant desiring to return is on leave in any of the localities named in rule 11, his application must be made to the High Commissioner and he must satisfy the Medical Board at the India Office of his fitness to return at least two months before the expiry of his leave. In order to do so, he must follow the procedure prescribed in rule 12. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.

19. If the Government servant desiring to return is on leave out of India elsewhere than in the localities named in rule 11, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

20. Permission to return cannot be granted to a Government servant to whom no leave salary certificate has been issued, or who has exchanged his leave salary certificate for a warrant before leaving India, until he produces a certificate of leave in Form II.

21. *Last pay certificate*.—Before returning to duty, a Government servant on leave in Europe must obtain a last pay certificate from the High Commissioner. A last pay certificate cannot be granted to a Government servant to whom no leave salary certificate has been issued, unless he produces a certificate of leave in Form II. A Government servant who has drawn his leave salary on a warrant must, on return to India, deliver to the audit officer his copy of the warrant, which will serve as a last pay certificate.

FORM No. I.

Colonial Leave Salary Warrant.

(Obverse.)

Warrant No.....of 19

A. B., having been granted leave for a period of.....months and.....days under the orders of the Government of.....is hereby allowed the privilege of drawing his leave salary at.....from.....

2. His leave salary will be as follows:—

Period.	Rate in rupees a month.
From.....to.....
From.....to.....
From.....to.....

3. The leave salary will be payable monthly in sterling, converted from rupees at the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment becomes due, but will be subject to the following *maxima* and *minima*:—

Period.	Maximum £ a month.	Minimum £ a month.
From.....to.....
From.....to.....
From.....to.....

4. In addition to the leave salary shown in paragraph 3, A. B. is entitled to exchange compensation allowance at the rate of ~~4 per cent. of his leave salary~~ ^{Rs.} for the period from.....to..... This should be converted into sterling at the rate prescribed in paragraph 3; provided that A. B. shall not receive less than £1 sterling for each 15 rupees of the allowance.

*5. The payments should be charged to the High Commissioner for India, for appropriation by him of the leave salary under the following heading.....

6. The following deductions are to be made from the leave salary of each month before payment:—

	Rs.	£
I. C. S. Provident Fund deductions .. At 4 per cent. of leave salary.		
Civil Fund deductions } Ordinary		
Indian Civil Service Family Pension Fund subscriptions } For self		
Indian Military Service Family Pension Fund subscriptions } For sons		
For daughters		

Where the amount of a deduction is expressed in rupees, it shall be converted into sterling at the same rate as the leave salary from which it is deducted.

Dated at.....

The.....19.....

Accountant-General or Comptroller.

*The following particulars should be noted in this column:—

- (i) the major, minor and detailed head of account;
- (ii) whether debitible to Central or Provincial revenues; if the latter, the name of the Provincial Government;
- (iii) whether the expenditure pertains to a reserve or a transferred subject; and
- (iv) whether the expenditure is voted or non-voted.

Note 1.—Leave salary is payable in rupees to Government servants residing in Ceylon during their leave (Fundamental Rule 91).

Note 2.—The signature of the Government servant concerned should be obtained on the original copy of the warrant.

Note 3.—The ordinary rate of conversion will be the rate of exchange for telegraphic transfers from Calcutta on London on the day on which each monthly payment becomes due, subject to a minimum rate of 1s. 4d. per rupee in respect of leave salary drawn on account of the first four months of leave on average pay and of 1s. 8d. per rupee in other cases. The maximum rates of leave salary are those prescribed in Fundamental Rule 89 and the minimum rates those prescribed in Fundamental Rule 90.

(Reverse.)

Name, rank and description of payee.	Period for which payment is made.	Monthly rate.			Amount.			Signature of paying officer.	Receipt of payee.
		£	s.	d.	£	s.	d.		

One copy of this warrant will be retained by A. B. and will be given up to the audit officer in India on his return to India. Each payment will be recorded on the reverse of the copies kept by the colonial disbursing officer and by A. B. and will be certified by the paying officer and received by A. B.

FORM No. II.

Certificate of Leave.

Granted to.....proceeding out of India.

1. Government under which employed.....
2. Post last held.....
3. Nature of leave granted.....
4. Date of commencement of leave.....
5. Date of expiry of leave.....
6. Whether a medical certificate of fitness must be produced before return to duty.....
7. Amount of leave, expressed in terms of leave on average pay, at the Government servant's credit on the expiry of the present leave.....
8. Period of leave on average pay which might, under Fundamental Rule 81, be granted if the present leave were extended.....

*Signature,**Audit Officer.**Date.....**Place.....*

NOTE 1.—No leave salary is payable on this certificate.

NOTE 2.—This certificate must be produced before the High Commissioner with any application for an extension of leave or permission to return to duty or the grant of a last pay certificate.

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Appendix No. 1

Memorandum explanatory of each rule in the rules of leave procedure made under Fundamental Rule 74 (b).

Rule 1 is taken from article 222, Civil Service Regulations, with the substitution of the High Commissioner for the Secretary of State.

Rule 2.—This is taken from articles 867 and 874, Civil Service Regulations, and covers the first part of article 886 also. The High Commissioner has been substituted for the Secretary of State, as he will in future pay leave salary on behalf of the Government of India.

Rule 3 replaces the first part of article 869 of the Civil Service Regulations. The old arrangements of quarterly calculations and rounded instalments will not be maintained in future.

Rule 4 replaces the second part of article 869, Civil Service Regulations. At the suggestion of the High Commissioner, the procedure has been modified in some respects.

Rule 5 contains the substance of the first part of article 889, Civil Service Regulations.

Rule 6 is the second part of article 889, Civil Service Regulations, amplified in accordance with existing practice.

Rule 7 contains the substance of the last part of article 889, Civil Service Regulations.

Rule 8 contains the relevant part of article 891, Civil Service Regulations, with the High Commissioner substituted for the Under Secretary of State.

Rule 9 provides for certain cases for which the old rules make no specific provision. It is considered unnecessary in this connection to provide for article 871 (b), Civil Service Regulations, as the procedure thereby prescribed follows necessarily from rules 2 and 5.

Rule 10 contains a regulation previously embodied in articles 299 (a) and 300, Civil Service Regulations.

Rule 11 contains the substance of the first paragraph of article 299 (a), Civil Service Regulations, and of article 299 (b), with the substitution of the High Commissioner for the Secretary of State. The rule makes no mention of commutation of leave, which ceased to exist, under that name, when the Fundamental Rules came into force. It is considered unnecessary to repeat in these rules the provision that the Government servant on leave must pay the cost of telegrams. The High Commissioner will see to this, and the fact will be mentioned in the memorandum of instructions to officers proceeding on leave. The note under article 299 (b) has been omitted for similar reasons.

Rule 12 contains the substance of the second paragraph of article 299 (a), Civil Service Regulations, read with article 838 (a).

Rule 13 contains the substance of the first part of the third paragraph of article 299 (a), Civil Service Regulations. The second part of that paragraph is omitted, as it is considered to be unsuitable under the new leave rules.

Rule 14 is taken from the first part of article 300, Civil Service Regulations.

Rule 15 is article 838 (b), Civil Service Regulations, re-worded in places.

Rule 16 is taken from articles 872 and 873, Civil Service Regulations.

Rule 17.—The fact stated in this rule is nowhere in the Civil Service Regulations laid down as a general rule, but it follows as a matter of course from the provision in Fundamental Rule 71 for the production of a medical certificate.

Rule 18 contains the substance of the relevant portion of article 224, Civil Service Regulations, with the substitution of the High Commissioner for the India Office.

Rule 19 also follows as a matter of course from Fundamental Rule 71. The Government of India propose to delegate the power of extending leave to the authority which granted it.

Rule 20 is taken from articles 872 and 873, Civil Service Regulations.

Rule 21.—“Leave salary certificate” is the new title adopted by the Auditor-General in his leave procedure rules. The requirement of such a certificate is taken from article 886, Civil Service Regulations; that of a certificate of leave is obviously necessary before a last pay certificate can be granted; and the delivery of a warrant is taken from article 890, Civil Service Regulations.

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APPENDIX No. 20 (I)

(F. R. 84.)

**Government of India, Finance Department, Resolution No. 1000-C.S.R.,
dated the 25th September 1923.**

The Secretary of State in Council is pleased to prescribe, with reference to Fundamental Rule 84, the following rules to regulate the grant of leave to Government servants for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction. They have effect from the 1st January 1922.

Rules for the grant of additional leave to Government servants for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction.

The following rules relate to study leave only. They are not intended to meet the case of Government servants deputed to other countries at the instance of Government, either for the performance of special duties imposed on them or for the investigation of specific problems connected with their technical duties. Such cases will continue to be dealt with on their merits under the provisions of rules 50 and 51 of the Fundamental Rules. The rules apply to the Archaeological Department, the Public Health and Medical Research Departments (other than as regards officers of the Indian Medical Service, to whom special rules apply), the Botanical Survey (including the officers of the Royal Botanic Garden, Calcutta), the Civil Veterinary Department, the Factory Department, the Geological Survey, the Agricultural Department, the Meteorological Department, the Railway Department (Traffic, Locomotive and Engineering Branches), the Telegraph Department, the Zoological Survey, the Education Department, the Public Works Department and the Forest Department (except in respect of continental tours, to which special rules apply). The rules also apply to Government servants selected for the Judicial Branch of the Indian Civil Service who are admitted to the benefit of the rules for the assistance of Government servants prosecuting legal studies, at one of the Inns of Court, London, or the King's Inns, Dublin, for the period when they are reading in the chambers of a practising Barrister in England, but in their case study leave should not ordinarily be granted after the twelfth year of service. The rules may be extended by the authorities empowered to sanction study leave under rule 1 to any Government servant, including an officer of a Provincial Service, not belonging to any of the departments mentioned above, in whose case the sanctioning authority is of opinion that leave should be granted in the public interest to pursue a special course of study or investigation of a scientific or technical nature.

Note.—The extension of these rules to the Public Works and Railway Departments does not affect the existing rules under which Government servants are allowed to visit engineering works when on leave in Great Britain.

1. The powers granted by these rules to the Government of India or to local Governments may be delegated by them to the High Commissioner for India, subject to any condition they may think fit to impose.

Note.—Departments of the Government of India may grant study leave to Government servants under their administrative control, subject to the restrictions which apply to the powers of a local Government.

1A. Extra leave on half average pay for the purpose of study leave may be taken either in or outside India. It may be granted to a Government servant of any of the departments named above by the local Government or Chief Commissioner under whom he is serving, provided that when a Government servant, borne permanently on the cadre of one province or department is serving temporarily in another province or department the grant of leave is subject to the conditions (a) that the sanctioning authority can make local arrangements to carry on his work in his absence, and (b) that the sanction of the province or department to which he is permanently attached is obtained before leave is given. Study leave should not ordinarily be granted to Government servants of less than five years' service or to Government servants within three years of the date at which they have the option of retiring, or if they have the option of retiring after twenty years' service, within three years of the date at which they will complete twenty-five years' service. Nor should it be granted to Government servants who are about to retire on proportionate pension.

2. The grant of study leave should be made with due regard to the exigencies of the public service. In no case should the grant of this leave, in combination with leave other than extraordinary leave or leave on medical certificate, involve an absence of over twenty-eight months from a Government servant's regular duties, or exceed two years in the whole period of a Government servant's service; nor should it be granted with such frequency as to remove him from contact with his regular work or to cause cadre difficulties owing to his absence on leave. A period of twelve months at one time should ordinarily be regarded as a suitable maximum, and should not be exceeded save for exceptional reasons.

The limit of two years of absence from a Government servant's regular duties prescribed in this rule includes the period of vacation, if any, with which study leave and other leave may be combined.

Audit Instruction.—The Secretary of State has decided that extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in this rule.

3. A Government servant whose study leave is combined with any other kind of leave should be required to take his period of study leave at such a time as to retain, at its conclusion, a balance of other previously sanctioned leave sufficient to cover the period spent in returning to duty.

4. When a Government servant has been granted a definite period of study leave and finds subsequently that his course of study will fall short of the sanctioned period to any considerable extent, his absence from duty should be reduced by the excess period of study leave unless he produces the assent of the sanctioning authority in India to his taking it as ordinary leave.

5. Except as provided in rule 6, all applications for study leave should be submitted with the Audit Officer's certificate to the head of the department through the prescribed channel, and the course or courses of study contemplated and any examination which the candidate proposes to undergo should be clearly specified therein. If the course of study is in Europe or America, the head of the department should also forward to the Secretary to the High Commissioner for India, General Department, a copy of the approved programme of study. If it is not possible for the Government servant to give full details, as above, in his original application, or if, after leaving India, he wishes to make any changes in the programme which has been approved in India, he should submit particulars as soon as possible to the Secretary to the High Commissioner for India, General Department. In such cases, he should not, unless prepared to do so at his own risk, commence the course of study, nor incur any expenses in connection therewith, until he receives approval to the course through the High Commissioner.

6. Government servants on leave in Europe or America who wish to convert part of the leave into study leave or to undertake a course of study during leave, should, before commencing study and before incurring any expenses in connection therewith, submit a programme of their proposed course of study to the Secretary to the High Commissioner for India, General Department. The programme should be accompanied by an official syllabus of the course, if one is available, and by any documentary evidence that the particular course or examination has the approval of the authorities in India. In the absence of such evidence the programme may, if approved by the High Commissioner, be proceeded with, but no study leave allowance will be admissible until the concurrence of the authority concerned in India is received.

Similarly, Government servants on leave in the United Kingdom who desire to have it extended for purposes of study under these rules, should address the Secretary to the High Commissioner for India, but in addition to furnishing a statement of the proposed study they must support their applications with documentary evidence of their having obtained the approval of the authorities concerned in India to their applying for an extension of leave. They must also produce documentary evidence of the concurrence of the authority concerned in India to the grant of study leave and/or study allowance.

Note.—The documentary evidence referred to must include a statement by the Government of Bengal whether it is prepared to meet the cost of any concessions grantable under rule 7 and/or rule 9. (Government of Bengal, Finance Department, No. 67 T.—F., dated the 28th April 1927.)

6A. No course of study will be recognised as qualifying for the grant of study allowance, or for study leave for any other purpose, unless it has been approved in at least broad outline by the sanctioning authority in India in accordance with rules 5 and 6 above, and unless, in cases where it has not been found possible to submit full particulars to the authorities in India, it has been approved in detail by the High Commissioner before it is begun. (Government of India, Finance Department, No. F.24-II-R.I/27, dated the 16th March 1928.)

7. A study allowance will be granted for the period spent in prosecuting a definite course of study at a recognised institution or in any definite tour of inspection of any special class of work, as well as for the period covered by any examination at the end of the course of study. The rates as at present fixed are 12s. a day in the United Kingdom, £1 a day on the continent of Europe, and 30s. a day in the United States

of America. These rates are liable to revision. The rate to be granted to Government servants who take study leave in other countries, including India, will be specially considered by the Government of India or the local Government, in each case. In no case will subsistence allowance be granted in addition to study allowance, and ordinarily travelling expenses will not be paid, but in exceptional cases claims will be considered on their merits by the Government of India or the local Government.

NOTE.—The Government of Bengal have authorised the High Commissioner for India to grant travelling expenses in exceptional cases under this rule, subject to the conditions—

- (1) that the papers before him (under rule 13 or rule 6) show that the local Government is willing to accept such charges;
- (2) that he will refer cases of difficulty or doubt to the local Government; and
- (3) that he will incur no expenditure which would lead to the provision in his budget being exceeded at a time when it would be impossible for the local Government to obtain additional supply during the year.

8. Study allowance will be admissible up to fourteen days for any period of vacation. A period during which a Government servant interrupts his course for his own convenience cannot be considered as vacation. Study allowance may be given at the discretion of the Government of India or a local Government for any period up to fourteen days at one time during which the Government servant is prevented by sickness, duly certified by a medical practitioner, from pursuing the sanctioned course of study. In the case of a Government servant retiring from the service without returning to duty after a period of study leave, the study allowance will be forfeited. If the Government servant is under civil leave rules the study leave will be converted into furlough to the extent of the ordinary leave standing to his credit at the date of retirement. Any balance of the period of study leave mentioned above which cannot be so converted will be excluded in reckoning service for pension.

NOTE 1.—The Government of Bengal have authorised the High Commissioner for India to grant study allowance during sickness, subject to the conditions stated in this rule. (Government of Bengal, Finance Department, No. 821-T.—F., dated the 19th June 1928.)

9. Government servants granted study leave are ordinarily required to meet the cost of fees paid for courses of study. In exceptional cases the Government of India or the local Government, will be prepared to consider proposals that such fees should be paid by Government.

NOTE 1.—The Government of Bengal have authorised the High Commissioner for India to pay fees in exceptional cases under this rule, subject to the conditions stated in the Note under rule 7.

NOTE 2.—At the time of applying in India for study leave, Government servants must submit with their application evidence of the amount of fees involved in the course of study proposed and state whether they are in a position to meet these costs. (Government of Bengal, Finance Department, No. 3696 F., dated 23rd July 1927.)

10. On completion of a course of study, a certificate on the proper form (which may be obtained from the High Commissioner) together with certificates of examinations passed or of special study, shall, when the study leave has been taken in Europe or America, be forwarded to the High Commissioner. When the study leave has been taken in any other country certificates of examinations passed or of special study, which should show the dates of commencement and termination of the course, with any remarks by the instructor, shall be forwarded to the

authority which sanctioned the leave. In the case of a definite course of study at a recognised institution, the study allowance will be payable by the High Commissioner or in India, as the case may be, on claims submitted by the Government servant from time to time, supported by proper certificates of attendance. When the programme of study approved under rule 5 does not include or does not consist entirely of such a course of study, the Government servant shall submit to the High Commissioner or to the authority in India which sanctioned his leave, as the case may be, a diary showing how his time has been spent, and a report indicating fully the nature of the methods and operations which have been studied, and including suggestions as to the possibility of applying such methods or operations to India. The sanctioning authority in India, will decide whether the diary and report show that the time of the Government servant has been properly employed, and will determine accordingly for what period the study allowance referred to in rule 7 may be granted.

NOTE.—The Government of Bengal have authorised the High Commissioner for India to decide and determine the points referred to in the last sentence of this rule. (Government of Bengal, Finance Department, No. 57 T.—F., dated the 28th April 1927.)

11. Study leave will count as service for promotion and pension, but not for leave. It will not effect any leave which may already be due to a Government servant; it will count as extra leave on half average pay, and will not be taken into account in reckoning the aggregate amount of leave on half average pay, taken by the Government servant towards the maximum period admissible under the Fundamental Rules.

12. During study leave a Government servant will draw half average pay as defined in rule 9 (2) of the Fundamental Rules, subject to the maxima and minima laid down in rules 89 and 90, *ibid*. The rate of exchange prescribed by the Secretary of State in Council for the conversion of leave salary (other than that admissible during the first four months of a period of leave on average pay) shall apply to study leave allowances. A Government servant may, subject to the approval of the proper authorities being obtained as required by rule 5 or 6, undertake or commence a course of study during leave on average pay, and, subject to paragraphs 7 and 8, draw study allowance in respect thereof, provided that study allowance is not drawn for an aggregate period exceeding two years during the whole of a Government servant's service. This rule applies to military officers in civil employment taking leave under the Fundamental Rules.

13. On an application for study leave in Europe or America being sanctioned by the Government of Madras, Bombay or Bengal, the local Government should inform the High Commissioner of the particulars of the case. When such leave is sanctioned by any other local Government or Administration, a report should be made to the Government of India, who will inform the High Commissioner. It will be necessary for the Government servant concerned to place himself in communication with the High Commissioner, who will arrange any details and issue any letters of introduction that may be required. In all cases in which study leave in any other country is sanctioned, the particulars should be reported to the Government of India.

NOTE.—In communicating the particulars of the case to the High Commissioner, the Government of Bengal will state whether it is prepared to meet the cost of any concessions grantable under rule 7 and/or rule 9. (Government of Bengal, Finance Department, No. 57 T.—F., dated the 28th April 1927.)

APPENDIX No. 20 (II)

(F. R. 84.)

**Rules for the assistance of officers on leave in the United Kingdom
who wish to prosecute their legal studies at one of the Inns of
Court, London, or the King's Inns, Dublin.**

1. These rules are applicable only to officers of the Indian Civil Service, or of the Political Department (irrespective of the source of recruitment) or of the Judicial Branch of the Provincial Civil Service.

2. An officer to whom these rules are applicable, desiring to undertake a course of study at one of the Inns of Court, London, or the King's Inns, Dublin, while on leave in the United Kingdom, may apply in writing to the local Government or Administration under which he serves for a certificate of eligibility under these rules.

3. Such certificate shall not be granted unless the applicant has or will have at any time subsequent to the date of his intended admission to one of the Inns of Court, London, or the King's Inns, Dublin, sufficient leave due under the ordinary rules, to enable him to present himself at the final examination prescribed for a call to the Bar, before he has completed the first fifteen years of his service under Government.

4. If, in the opinion of the local Government a case deserves special consideration but a certificate cannot be granted under rule 3, the local Government may forward the application together with its recommendation to the Government of India who will decide whether or not it should be supported to the Secretary of State.

5. An officer, to whom a certificate of eligibility has been granted under rule 3, on reporting himself for orders at the office of the High Commissioner for India, and after executing a bond in the form annexed, will be entitled to the following concessions, subject to the conditions set forth in the said bond:—

- (a) An advance of all fees payable in connection with his admission to one of the Inns of Court, London, or the King's Inns, Dublin.
- (b) In the case of the Inns of Court, London, a bonus of £25 for each first class obtained in any of the four examinations comprising Part I, and of £50 for a first class in the Final Examination or Part II of the examinations prescribed by the Council of Legal Education for a call to the Bar; and in the case of the King's Inns, Dublin, a bonus of £50 for a first class at each of the two Continuous Course Examinations, and of £50 for a first class at the Final Examination.
- (c) A bonus of £75 in part refund of any fee actually paid to a practising Barrister in England for reading in his Chambers:

Provided that the period of reading shall not have been less than one year, inclusive of the long vacation, and that the bonus shall be payable only on production of a certificate from the said Barrister for due attention and application to study.

6. An officer in whose favour a special recommendation has been accepted under rule 4, on executing a similar bond and subject to similar conditions, may be granted all or any of the concessions specified in rule 5, according as the Secretary of State directs.

7. All bonuses and advances shall be paid in England under the orders of the High Commissioner for India.

8. All advances shall be recovered from the salary of the officer concerned immediately on his return to duty in India by twelve equal monthly instalments, or by instalments of one-third of his monthly salary. The necessary arrangements for the recovery of the moneys due on return of the officer to India will be made by the Chief Accounting Officer to the High Commissioner for India.

Form of Bond.

Know all men by these presents that I.....
of.....a Member of the.....Civil Service do
hereby bind myself my heirs executors and administrators to pay to
the Secretary of State for India in Council the penal sum of £250.

Sealed with my seal. Dated this.....day of.....
19.....

Whereas the High Commissioner for India on behalf of the Secretary of State for India in Council has advanced to the above bounden.....the sum of £.....being initial fees payable by the above bounden.....on enrolment as a student.

And whereas he has undertaken to pay to the above bounden.....a bonus of £25 for each First Class obtained in any of the four Examinations comprising Part I, and of £50 for a first class in the Final Examination for the Bar (or in the case of the Irish Bar a bonus of £50 for a first class at each of the two Continuous Course Examinations and £50 for a first class at the Final Examination).

Now the conditions of the above written obligation are that:—

(a) if, in the event of the above bounden.....not passing the Final Examination for the Bar within the period of fifteen years dating from his entry into the service of Government he shall forthwith pay to the High Commissioner for India the amount of such initial fees, i.e., £.....and any bonuses granted for success in Part I (or the Continuous Course Examinations in the case of the Irish Bar) aforesaid; or

(b) if, in the event of the above bounden.....not rejoining the service in India before the expiration of his leave of absence he shall on the day his leave expires pay to the High Commissioner for India the said amount of £.....and any bonuses granted for success in Part I (or the Continuous Course Examinations in the case of the Irish Bar) and in the Final Examination aforesaid; or

(c) if, in the event of the above bounden.....rejoining the said service in India he shall pay the said amount of £.....to the Government of India by deductions from his salary by such instalments and at such times as the Government may decide or otherwise; or

(d) if, in the event of the above bounden.....not remaining in the Service until he has repaid the said sum of £.....he shall forthwith upon his ceasing to be in the Service pay to the High Commissioner for India the said amount of £.....and any bonuses granted for success in Part I (or the Continuous Course Examinations in the case of the Irish Bar) and in the Final Examination aforesaid or such part thereof as shall then remain unpaid; or

(e) if the above bounden.....dies before repayment of the said sum of £.....or any part thereof; provided that all repayments already due from the said boundenunder the foregoing conditions before his death, have been duly made;

Then the above written obligation shall be void and of no effect, otherwise it shall be and remain in full force and virtue.

Signed, sealed, and delivered by the above bounden.

In the presence of.....

APPENDIX No. 21

(F. R. 88.)

Leave Rules for Chaplains on the Indian Ecclesiastical Establishments.

Rules made by the Secretary of State for India in Council on 7th June 1923 governing the leave and leave salary of Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur.

1. The Special Leave Rules in Sections I to V of Part IV of the Fundamental Rules made by the Secretary of State for India in Council under section 96B of the Government of India Act, are, subject to the exceptions and modifications contained in these rules, hereby made applicable to Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur.

2. A Chaplain on probation is entitled to the same leave and leave salary as if he held a substantive appointment as Junior Chaplain.

3. In the case of a Chaplain who was appointed before the 29th July 1906 leave shall be credited to his account in accordance with these rules, one and a half months being added in respect of the additional three months' leave admissible under Article 581, Civil Service Regulations, but privilege leave may continue to be granted under Article 592 (b) of the Chaplains' Leave Rules in the Civil Service Regulations, subject to the condition of article 595, Civil Service Regulations, every month so taken being debited to his leave account as fourteen days' leave on average pay.

NOTE TO RULE 3.—Privilege leave under article 592 (b), Civil Service Regulations, cannot be taken in combination with any other leave.

4. Leave salary in the case of Chaplains appointed before the 7th June 1923 is subject to the following yearly minima:—

	Leave on half aver- age pay.	Leave on quarter aver- age pay.
	£	£
Senior Chaplains holding the offices of Archdeacon of Calcutta, Madras or Bombay; Presidency Senior Chaplains at the same places	... 600	480
Other Senior Chaplains	... ... 500	384
Junior Chaplains	... ... ...	300

When leave is taken in Asia, leave salary is converted into rupees at the current rate of exchange, subject to a minimum of Rs. 10 to the pound sterling.

NOTE TO RULE 4.—No special minimum is necessary for Junior Chaplains on half average pay, since Fundamental Rule 90 prescribes a minimum of 396*l.* which is higher than the rate of allowances laid down for Junior Chaplains on ordinary furlough under the Civil Service Regulations.

5. A Junior Chaplain appointed a Senior Chaplain while on leave is, from the date of such appointment, entitled to the leave pay admissible to a Senior Chaplain.

NOTE.—A Junior Chaplain becomes a Senior Chaplain after ten years' service, excluding the period of probation.

6. To a Chaplain appointed before the 7th June 1923 who is proceeding on leave to England, an advance of three months' leave salary may be made, provided that no part of the leave is on average pay. An advance made under this rule is not recoverable in the event of the Chaplain's death.

6A. A Chaplain who entered the service on or before the 22nd September 1915, if required to retire at the age of 55 years, may be permitted before being compelled to retire, to enjoy any leave, up to a maximum limit of two years expressed in terms of leave on half average salary, that may be due to him at the time when he reaches the age of 55 years.

7. (a) A Chaplain in receipt of leave salary who desires to accept a benefice in the United Kingdom or to take up other employment must obtain the previous permission of the Secretary of State in Council or of the Government of India according as his leave is taken out of or in India.

(b) Should he after duly obtaining such permission, accept a benefice, his Indian appointment will be deemed vacant on the expiry of any leave which may have been granted to him, unless before the expiry of his leave he shall have resigned the benefice after having first obtained the consent of the Secretary of State and of the Bishop of the diocese or the presbytery in which the benefice is situated to his doing so. No extensions of leave will, in any circumstances, be granted to a Chaplain drawing leave salary who has accepted a benefice in the United Kingdom, unless he has resigned the same before the expiry of such leave with the consent beforementioned.

8. These rules, so far as they relate to leave salary, shall apply retrospectively to all leave taken by the Bishops of Lahore, Rangoon, Lucknow and Nagpur or by Chaplains after 30th November 1919, provided that as regards leave taken between 1st December 1919 and 1st January 1922, the leave salary shall be that admissible under the European Services Leave Rules subject to the minima set out in the Chaplains' Leave Rules in the Civil Service Regulations.

A Chaplain on leave which was granted before 7th June 1923 shall receive leave salary at the rate admissible at the time his leave was granted if such rate is higher than that admissible under the Fundamental Rules. (G. I., E. & H. No. 237, dated 3rd August 1923, and No. 350, dated 2nd November 1923.)

Secretary of State's Ruling.—(1) It is not the intention that rule 8 should withdraw the concession that leave salary during ordinary furlough taken up to 1st January 1922 should be based on twelve months' average. (G. I., E. & H. No. 1, dated 5th January 1924.)

(2) A Chaplain taking leave for the first time after he has become subject to the Fundamental Rules should be allowed the concession admissible under article 596, Civil Service Regulations (including house rent where allowed by that article) during the period of leave which is due to him on account of privilege leave at his credit. (Government of India, Commerce Department, No. 435 C., dated 20th October 1924.)

APPENDIX No. 22

Memorandum explanatory of each rule of the Subsidiary Rules framed under the Fundamental Rules.

S. R. 1 is based on local Government's letter No. 3438-F., dated the 28th March 1923, imposing restrictions of articles 147 (iii) and 321 (a), Civil Service Regulations, in the grant of leave to inferior servants.

Note was inserted by Bengal Government, Finance Department, No. 670-T.—F., dated the 8th June 1928.

S. R. 2.—Clause (i) is based on article 295 (i) and (ii) and Note 2 to Civil Service Regulations and lays down the extent of application of the departmental leave.

Clause (ii) (a) is a statement of fact and can be inferred from the proviso under article 295 (ii), Civil Service Regulations.

Clause (ii) (b) is a reproduction of article 295 (i) and (ii), Civil Service Regulations.

Clause (ii) (c) is a reproduction of Note 1 to article 295, Civil Service Regulations.

Clause (iii) reproduces the provisions of articles 295 (i) and (ii), Civil Service Regulations, and article 39, Civil Account Code.

Clause (iv) is new and follows from the principles adopted in the Fundamental Rules.

Clause (v) gives a new concession that the departmental leave can be taken in addition to the maximum leave admissible under Fundamental Rule 81 (a).

Clause (vi) is a reproduction of article 232, Civil Service Regulations.

Clause (vii) has become necessary on account of clause (iv), which directs that departmental leave will be debited to the leave account as though it were leave on half average pay.

S. R. 3 specifies the classes of allowances at present treated as compensatory allowances under the Fundamental Rules.

S. R. 4.—Clause (1) is based on articles 68 and 411, Civil Service Regulations. (Finance Department, B Proceedings, No. 34 of July 1925.)

Clause (2) is a reproduction of article 52 (c), Civil Service Regulations.

Clause (3) reproduces the provisions in articles 279 and 280 of the Civil Service Regulations.

Clause (4) is based on clauses (a) and (b) of article 284, Civil Service Regulations.

Clause (5) reproduces the provisions contained in articles 285 and 410, Civil Service Regulations.

Clause (6) is based on article 9 (1), Civil Service Regulations, and the India Government, Finance Department, resolution No. 122-C. S. R., dated the 10th February 1922.

Clauses (7) and (8) reproduce the provisions in paragraphs 110 and 382 of the Public Works Department Code respectively.

Clause (9) is a reproduction of article 38 of the Forest Department Code.

S. R. 5 is based on the local Government, Agriculture and Industries Department, letter No. 5104, dated the 14th December 1923.

S. R. 6 delegates the power to appointing authorities to appoint a Government servant to officiate in a vacant post.

S. R. 7 is based on article 51, Civil Service Regulations.

Note is based on Bengal Government, Finance Department, No. 4256-F., dated the 14th November 1928.

S. R. 8 reproduces the provisions in article 49, Civil Service Regulations, and orders in Bengal Government, Finance Department, No. 10402 F., dated the 9th October 1924.

S. R. 9 is based on articles 49 and 50, Civil Service Regulations.

S. R. 10 is based on paragraph 2 of article 50, Civil Service Regulations, and paragraph 56, Bengal Companion to Civil Service Regulations.

S. R. 11 reproduces the rule in article 53, Civil Service Regulations.

S. R. 12 is based on Note 3 to article 53, Civil Service Regulations.

S. R. 13 reproduces in general the provisions of articles 55 and 1060, Civil Service Regulations. *Vide* Bengal Government, Finance Department, No. 69-T.—F., dated the 3rd May 1927.

Note 1 has been made of general application so as to cover the provisions of article 54, Civil Service Regulations.

Note 2 refers to a list of places declared to be the headquarters of different Government servants, collected from Appendix No. 7 to the Bengal Companion to the Civil Service Regulations.

S. R. 14 is based on article 56, Civil Service Regulations.

S. R. 15 reproduces the rule in article 57, Civil Service Regulations. Note is based on rule 1 of that article.

S. R. 16 reproduces the provision in article 58, Civil Service Regulations.

S. R. 17.—Article 59, Civil Service Regulations, has been re-worded here so as to cover the existing practice followed in Bengal.

S. R. 18 and 19 are based on the provisions of article 68 A, Civil Service Regulations.

S. R. 20 is a new rule made by the local Government to secure uniformity of practice throughout the province for calculation of pay of a Government servant on the removal of an efficiency bar previously enforced against him.

S. R. 21 is based on article 153, Civil Service Regulations.

S. R. 21A was adopted from a similar rule framed by the Government of India.

S. R. 22 reproduces the last sentence of clause (a) of article 193, Civil Service Regulations.

S. R. 23.—Clause (a) is based on article 13, Civil Service Regulations.

Clauses (b) and (c) are based on article 19, Civil Service Regulations.

Clause (d) is a new definition.

Clause (e) is based on article 23, Civil Service Regulations.

Clause (f) is based on the first part of article 25, Civil Service Regulations, and article 1094 A (iv) (4), Civil Service Regulations. The last sentence is taken from paragraph 22 of the Bengal Companion to the Civil Service Regulations.

Clause (g) is based on article 1115, Civil Service Regulations.

Note is taken from paragraph 1453 of the Bengal Companion to the Civil Service Regulations.

Clause (h) is a new definition.

Clause (i) is based on article 44, Civil Service Regulations.

Clause (j) is a new definition.

S. R. 24 is taken from article 1002, Civil Service Regulations, with the limits of pay for the different grades raised in consideration of the increases of pay sanctioned for the various services by the re-organisation. "Grade" has been substituted for "class" in order to avoid the existing confusion between a class of railway or steamer accommodation and a class of officer. The rule omits all special cases in the body of the Civil Service Regulations article and is based on actual pay and not on maximum pay. (Bengal Government, Finance Department, No. 104-T.—F., dated the 14th May 1927; No. 12120-F., dated the 5th December 1924; No. 1519-F., dated the 29th March 1928; and No. 668-T.—F., dated the 7th June 1928.)

S. R. 25 is inserted to cover all the special classifications now made in article 1002, Civil Service Regulations, and in Appendix.

Note 3 was inserted by Bengal Government, Finance Department, No. 564-F., dated the 6th February 1928.

S. R. 26 is based on article 1007, Civil Service Regulations, with suitable changes in wording.

S. R. 27 contains the substance of article 1005, Civil Service Regulations, with competent authority substituted for local Government and the proviso omitted.

Note 1 was inserted by Bengal Government, Finance Department, No. 113-T.—F., dated the 19th May 1927; and No. 552-T.—F., dated the 13th September 1927.

Note 2 was inserted by Bengal Government, Finance Department, No. 921-F., dated the 26th January 1925.

S. R. 28 states a general rule which is not now explicitly set forth in the Civil Service Regulations. The second part of the rule is taken from the Note under the heading of Chapter LII, Civil Service Regulations.

The note was based on Bengal Government, Finance Department, No. 90-T.—F., dated the 9th May 1927.

S. R. 29.—The main part of the rule is taken from the first part of article 1044, Civil Service Regulations. The Note refers to an Appendix reproducing list of permanent travelling allowances drawn by different Government servants as shown in Appendix No. 22, Civil Service Regulations.

S. R. 30 contains first part of article 1047, Civil Service Regulations; second part of the Civil Service Regulation rule has been omitted as it follows from S. R. 29.

S. R. 31 contains that part of article 1009, Civil Service Regulations, which applies to permanent travelling allowance.

S. R. 32 contains the substance of article 1074, Civil Service Regulations, with the addition of a definite provision for the power of sanctioning conveyance allowances.

Note 1 is taken from latter part of paragraph 1360, paragraphs 1360C and 1360D, Bengal Companion to the Civil Service Regulations.

Note 2 gives a list of Government servants drawing monthly conveyance or horse allowance as given in Appendix No. 26, Civil Service Regulations, and special orders embodied in the Bengal Companion to the Civil Service Regulations.

Note 3 is based on second part of article 1075, Civil Service Regulations, while *Note 4* is based on article 1081, Civil Service Regulations.

Exception was inserted by Bengal Government, Finance Department, No. 770-F., dated the 10th February 1927.

S. R. 33 contains the substance of article 1076 (a), Civil Service Regulations. The proviso restricts the drawing of too much mileage or daily allowance for short journeys around the headquarters by Government servants possessing motor-car or motor-cycle for which conveyance allowance is granted.

Exceptions are based on the Bengal Government orders issued in No. 14672-F., dated the 1st December 1922, and No. 261-Com., dated the 9th January 1923.

S. R. 34 contains the substance of article 1076 (b), Civil Service Regulations. (Bengal Government, Finance Department, No. 2856-F., dated the 25th July 1928).

Exception was inserted by Bengal Government, Finance Department, No. 3822-F., dated the 3rd December 1926.

S. R. 35 is a new definition which is not actually laid down in the Civil Service Regulations.

S. R. 36 reproduces article 996, Civil Service Regulations.

S. R. 37 reproduces article 997, Civil Service Regulations.

S. R. 38 is based on article 998, Civil Service Regulations, and Note thereunder.

Notes 1 to 4 are based on paragraphs 1092A, 1094 to 1097 of the Bengal Companion to the Civil Service Regulations.

S. R. 39 is introductory of the sections for mileage allowance that follow after it.

S. R. 40 represents the main portion of article 1011, Civil Service Regulations, rearranged in places, with Notes 1 and 4 thereunder.

Note is based on the 2nd clause of paragraph 1190, Bengal Companion to the Civil Service Regulations.

S. R. 41 is a general rule which covers all the exceptions and concessions under article 1011, Civil Service Regulations.

S. R. 42 is based on Bengal Government letter No. 11733-F., dated the 13th December 1923, fixing the amount of mileage allowance admissible to Government servants of different grades.

S. R. 43 contains the substance of Note 2 to article 1011, Civil Service Regulations.

S. R. 44 reproduces Note 3 to article 1011, Civil Service Regulations.

S. R. 45 is based on article 1016, Civil Service Regulations, rearranged and modified by Bengal Government No. 14283-F., dated the 21st November 1922.

Note 1 is based on paragraph 1194, Bengal Companion to the Civil Service Regulations.

S. R. 46 is taken from article 1017, Civil Service Regulations, and Note thereunder.

S. R. 47 reproduces article 1020, Civil Service Regulations.

Note is based on Note to paragraph 1199A, Bengal Companion to the Civil Service Regulations.

S. R. 48 is article 1031, Civil Service Regulations, reworded.

Note is based on paragraph 1212, Bengal Companion to the Civil Service Regulations, modified subsequently by Bengal Government, Finance Department, No. 522-F., dated the 2nd February 1928.

S. R. 49 is an expanded version of article 1028, Civil Service Regulations.

S. R. 50 is reproduced from article 1033, Civil Service Regulations.

S. R. 51.—Clause (a) is based on article 1034, Civil Service Regulations.

Clause (b) reproduces the substance of paragraph 1215A, Bengal Companion to the Civil Service Regulations.

Note 1 is based on paragraphs 1217 and 1218, Bengal Companion to the Civil Service Regulations.

Note 2 is based on Addendum and Corrigendum No. 5, dated the 24th September 1923, and No. 6, dated the 5th March 1924, modified subsequently by Bengal Government, Finance Department, No. 4923-F., dated the 27th April 1925.

Note 3 is based on second part of paragraph 1218, Bengal Companion to the Civil Service Regulations.

S. R. 52 is intended to cover the exceptions such as those in article 1036, Civil Service Regulations.

Note reproduces the special rates as given in article 1036, Civil Service Regulations, modified subsequently by Bengal Government, Finance Department, No. 1650-F., dated the 19th May 1926.

S. R. 53 reproduces article 1035, Civil Service Regulations.

S. R. 54 is taken from the first part of article 1052 (a), Civil Service Regulations.

Note 1 is based on paragraph 1272 (1), Bengal Companion to the Civil Service Regulations.

Notes 2 and 3 are based on paragraphs 1272 (3) and (2), Bengal Companion to the Civil Service Regulations.

S. R. 55 is based on article 1052 (a) and (b), Civil Service Regulations.

S. R. 56 is based on article 1063, Civil Service Regulations, as modified by Bengal Government No. 11733-F., dated the 13th December 1923.

Note was inserted by Bengal Government, Finance Department, No. 2252-F., dated the 15th July 1926.

S. R. 57 covers the exceptions under articles 1063 and 1064, Civil Service Regulations. List of special rates of daily allowance for different Government servants given in Appendix No. 25, Civil Service Regulations, and revised by the local Government is given in Appendix No. 6 referred to in the Note.

S. R. 58 is a new rule which makes plain a fact not specifically stated in the Civil Service Regulations.

S. R. 59 is a new rule.

S. R. 60 embodies the principles underlying article 1021, Civil Service Regulations, as well as part of article 995, Civil Service Regulations.

S. R. 61 contains the substance of articles 1139 and 1140, Civil Service Regulations.

Note refers to a list of special rates of daily and mileage allowances admissible in special localities given in paragraphs 1503 to 1517 and Appendix No. 9, Bengal Companion to the Civil Service Regulations revised by Government.

S. R. 62 contains the substance of article 1037 (a), Civil Service Regulations.

Note 1 is based on paragraph 1222, Bengal Companion to the Civil Service Regulations.

Note 2 is based on paragraph 1221, Bengal Companion to the Civil Service Regulations.

Note 3 is based on article 1037 (b), Civil Service Regulations.

S. R. 63 is based on the latter part of article 1017, Civil Service Regulations.

S. R. 65 is based on the first part of article 1041, Civil Service Regulations.

Note gives a list showing the limits of spheres of duty of different Government servants collected from the Bengal Companion to the Civil Service Regulations.

S. R. 66 contains a portion of article 1038, Civil Service Regulations.

Note reproduces Exception 1 under article 1055, Civil Service Regulations, with explanation based on paragraph 1284, Bengal Companion to the Civil Service Regulations and Government order No. 2851-F., dated the 16th March 1923.

S. R. 67 is a new rule.

Note embodies the cases of absences collected from the Bengal Companion to the Civil Service Regulations, and Bengal Government, Finance Department, No. 888-T.—F., dated the 30th September 1927, which have been declared as absences on duty.

S. R. 68 is taken from the second part of article 1041, Civil Service Regulations.

S. R. 69 reproduces article 1039, Civil Service Regulations, somewhat reworded.

Note 1 is based on paragraph 1261, Bengal Companion to the Civil Service Regulations.

Note 2 gives a list of Government servants not entitled to travelling allowance for journeys on tour taken from Appendix No. 20, Civil Service Regulations, and similar cases embodied in the Bengal Companion to the Civil Service Regulations.

Note 3 is based on the Bengal Police Regulations.

S. R. 70 reproduces part of article 1038, Civil Service Regulations.

S. R. 71 reproduces article 1042, Civil Service Regulations.

Note 2 is based on paragraph 1263, Bengal Companion to the Civil Service Regulations.

Note 1 is based on a decision in the Secretariat.

S. R. 72.—Main rule is based on article 1044, Civil Service Regulations.

Proriso (1) is taken from Exception (c) to article 1044, Civil Service Regulations.

Note is based on Exception (d) of article 1044, Civil Service Regulations.

Proriso (2) is based on article 1045, Civil Service Regulations.

S. R. 73 is based on article 1046, Civil Service Regulations, as altered by the decision of the India Government and modified by the local Government in Finance Department No. 11733-F., dated the 13th December 1923.

S. R. 74 is a new rule, but it states a principle which underlies the rules in the Civil Service Regulations.

S. R. 75 is based on article 1053, Civil Service Regulations, with omission of the last sentence of that article.

Note is based on paragraph 1308, Bengal Companion to the Civil Service Regulations.

S. R. 76 contains the first part of article 1055, Civil Service Regulations.

Note 1 is based on paragraph 1281 (2) of the Bengal Companion to the Civil Service Regulations.

Notes 2, 3 and 4 are based on paragraphs 1278, 1281 (1) and 1283, Bengal Companion to the Civil Service Regulations.

S. R. 77 contains the substance of second part of article 1052, Civil Service Regulations.

Note reproduces the substance of paragraphs 1273 and 1274, Bengal Companion to the Civil Service Regulations.

S. R. 78 is based on article 1056, Civil Service Regulations, with omission of the last two clauses.

Note 1 gives a list of Government servants or class of Government servants exempted from the operation of ten days' rule collected from Appendix No. 5 and body of the Bengal Companion to the Civil Service Regulations.

Note 2 is based on paragraph 1287A, Bengal Companion to the Civil Service Regulations.

Note 3 was adopted from Audit Instruction Circular No. 28 IX, dated the 19th January 1926.

S. R. 79 reproduces the substance of article 1057, Civil Service Regulations.

S. R. 80 covers article 1066, Civil Service Regulations. The restrictions of the power to cases of officers drawing not more than Rs. 200 has been omitted.

S. R. 81.—Clause (a) of this rule contains the substance of article 1065 (i) and (ii) with the omission of reference to a non-gazetted ministerial or menial officer which is taken into S. R. 82.

Proviso and Note 1 under the clause incorporate the Government of India order embodied in paragraph 1345, Bengal Companion to the Civil Service Regulations.

Clause (b) contains the substance of article 1065 (iii) (1), Civil Service Regulations, as modified by Government order No. 11733-F., dated the 13th December 1923. Addition has been made in clause (b) (1) to include prominently the provision for mileage in respect of rail or steamer journeys as in clause (iii) (2) of the Civil Service Regulations rule.

Notes 2 and 3 are based on paragraphs 1338 and 1340, Bengal Companion to the Civil Service Regulations.

Note to S. R. 81 (c) was inserted by Bengal Government, Finance Department, No. 12355-F., dated the 14th December 1925.

Exception under the rule is based on a new supplementary rule 76A issued by the India Government.

Exception under clause (d) is based on Bengal Government, Finance Department, No. 2443-F., dated the 23rd April 1927. *Note* is based on Bengal Government, Finance Department, No. 3399-F., dated the 4th September 1928.

S. R. 82 repeats the second part of article 1065 (ii) and rule 1 thereunder.

Notes 1, 2 and 3 are based on paragraphs 1341, 1342 and 1346, Bengal Companion to the Civil Service Regulations.

S. R. 83 is a new rule as modified by Government order No. 11733-F., dated the 13th December 1923.

Note is based on paragraph 1358, Bengal Companion to the Civil Service Regulations.

S. R. 84 reproduces article 1061 (a), Civil Service Regulations.

* S. R. 85 repeats article 1062, Civil Service Regulations, with the usual substitution of competent authority for local Government.

S. R. 86.—Clause (a) with Notes 1 and 2 reproduce the substance of article 1000, Civil Service Regulations. *Note 3*, is based on Bengal Government, Finance Department, No. 312 F., dated the 2nd February 1926.

Notes 4, 5, 6, 7 and 8 are based on paragraphs 1128A, 1128B, 1132, 1127 and 1128, Bengal Companion to the Civil Service Regulations.

Clause (b) reproduces the substance of article 1001, Civil Service Regulations. List of limitations on the weight of camp equipments and number of conveyances of animals given in Note is based on paragraphs 1137 and 1138, Bengal Companion to the Civil Service Regulations.

S. R. 87 is based on article 1067, Civil Service Regulations.

S. R. 88 is based on article 1082, Civil Service Regulations, including paragraph 1373, Bengal Companion to the Civil Service Regulations, as Note 1.

Note 2 gives special cases of conveyance hire referred to in Appendix No. 27 to the Civil Service Regulations.

S. R. 89 repeats the second part of article 1055, Civil Service Regulations.

Note is based on paragraphs 1285, Bengal Companion to the Civil Service Regulations.

S. R. 90 reproduces articles 1054 (a) and 1059 (a) and (b), Civil Service Regulations.

Note is based on paragraph 1309, Bengal Companion to the Civil Service Regulations.

Note under clause (b) is based on paragraph 1307, Bengal Companion to the Civil Service Regulations.

S. R. 91 reproduces articles 1142 and 1143, Civil Service Regulations.

S. R. 92 follows article 1158, Civil Service Regulations.

Note refers to S. R. 162 and 163 regulating the travelling allowance of the Member of the Board of Revenue and High Court Judges.

S. R. 93, 94, 96 and 97 are based on article 1147, Civil Service Regulations, read with paragraph 1518A, Bengal Companion to the Civil Service Regulations.

S. R. 95 and 98 are based on a principle laid down by the Secretary of State, as communicated in the India Government, Home Department, No. F.-372-24-Ests., dated the 20th June 1925, which has been adopted in Bengal. (Bengal Government, Finance Department, No. 9006-F., dated the 11th September 1925; and Bengal Government, Finance December, No. 5474-F., dated the 12th November 1927.)

S. R. 99 reproduces the rules laid down by the local Government in Finance Department resolution No. 1064-F., dated the 30th January 1923, and Bengal Government, Finance Department, No. 4646-F., dated the 26th September 1927.

S. R. 100 is based on article 1148 (iii), Civil Service Regulations.

S. R. 101 is a new rule based on an India Government supplementary rule.

S. R. 102 and 103 follow article 1083, Civil Service Regulations.

Note 1 under *S. R. 103* is based on article 712, Civil Service Regulations, and Bengal Government, Finance Department, No. 1252-F., dated the 30th March 1928.

Note 2 gives a list of cases of travelling allowance permitted by general or special orders collected from the Bengal Companion to the Civil Service Regulations, paragraphs 1378 to 1394.

S. R. 104 follows article 1084, Civil Service Regulations.

S. R. 105 is based on article 1085, Civil Service Regulations.

Note is based on the Auditor-General's letter No. 211—Code-15822, dated the 26th February 1923.

S. R. 106 is reproduced from rule 8, Appendix No. 30, Part I, Civil Service Regulations.

S. R. 107 follows *S. R. 106*.

S. R. 108 contains the substance of articles 1092 and 1093, Civil Service Regulations.

S. R. 109 is a new rule based on an India Government rule.

S. R. 110 applies to cases of first appointment generally, a principle which is specifically laid down for one case in article 1083, Civil Service Regulations.

S. R. 111 contains the substance of the first part of article 1094 and of article 1100, Civil Service Regulations.

Note embodies paragraph 1 of the Auditor-General's Audit Instruction Circular No. 11, dated the 15th January 1924.

S. R. 112 combines part of article 1094 with article 1101, Civil Service Regulations.

S. R. 113 contains a re-arrangement of the main provisions of article 1094, Civil Service Regulations.

Note 2 under clause (a) I (iii) is based on paragraph 1399J., Bengal Companion to the Civil Service Regulations.

Note 3 was adopted from Audit Instruction Circular No. 20, dated the 17th November 1927.

Note 2 under clause (a) I (iv) (3) was inserted by Bengal Government, Finance Department, No. 747-F., dated the 1st March 1926.

Note 3 is based on paragraph 1399M., Bengal Companion to the Civil Service Regulations.

Note 4 was adopted from Audit Instruction Circular No. 21, dated the 5th January 1925.

Note under clause II (b) (iii) was adopted from Audit Instruction Circular No. 20, dated the 17th November 1927.

Note 2 under clause (e) was inserted by Bengal Government, Finance Department, No. 1235-F., dated the 12th March 1928.

S. R. 113A, 113B and 113C were inserted by Bengal Government, Finance Department, No. 590-T.—F., dated the 18th October 1926.

Note at the end of the rule is based on Exception 1 to article 1094, Civil Service Regulations.

S. R. 114 is taken from Appendix No. 30, Part I, Rule 8, Civil Service Regulations.

Note is based on paragraph 1521, Bengal Companion to the Civil Service Regulations.

S. R. 115 follows *S. R. 114*.

S. R. 116 is reproduced from article 1095 read with article 1067, Civil Service Regulations.

S. R. 117 contains the relevant portion of articles 1098A and 710A, Civil Service Regulations, and the orders in Bengal Government, Finance Department, No. 2725-F., dated the 16th July 1928.

S. R. 119 and Note are reproduced from article 1094 (F), Civil Service Regulations, and Note thereunder.

S. R. 120 is article 1103, Civil Service Regulations, reworded.

S. R. 121 reproduces the relevant part of article 1104, Civil Service Regulations, and the orders in Bengal Government, Finance Department, No. 3513-F., dated the 17th November 1926.

S. R. 122 is reproduced from article 1106, Civil Service Regulations, with an extension to all kinds of leave of the concession given by that article.

S. R. 123 is reproduced from article 1107, Civil Service Regulations.

S. R. 124 is article 1110, Civil Service Regulations.

S. R. 125 combines the provisions other than audit instructions which are contained in articles 1114 and 1115, Civil Service Regulations.

S. R. 126 is article 1112, Civil Service Regulations, omitting the reference to the establishment accompanying an officer to a hill station.

S. R. 127 contains the substance of articles 1116, 1117 and 1118, Civil Service Regulations, as modified by Bengal Government, Finance Department, No. 9670-85-F., dated the 5th November 1923.

Note is based on paragraph 1460, Bengal Companion to the Civil Service Regulations.

S. R. 128 is reproduced from article 1119, Civil Service Regulations.

S. R. 129 covers the provisions of the Note under article 1116, Civil Service Regulations.

S. R. 130 is based on paragraph 1457 of the Bengal Companion to the Civil Service Regulations, slightly modified.

S. R. 131 and 132 are based on article 1121, Civil Service Regulations and Note thereunder.

Note under *S. R. 131* with Appendix referred to therein is based on the India Government, Finance Department, resolution No. 612A., dated the 14th September 1922, as modified by their resolution No. 88A., dated the 29th January 1923, and No. 343A., dated the 30th April 1923.

S. R. 133 is reproduced from Appendix No. 30—Part I—rule 8, Civil Service Regulations.

Note is based on the last sentence of paragraph 1521, Bengal Companion to the Civil Service Regulations.

S. R. 135 and 136 are reproduced from articles 1123 and 1124, Civil Service Regulations, respectively.

S. R. 137 is based on article 1126, Civil Service Regulations, and Bengal Government, Finance Department, No. 1782-F., dated the 9th June 1926.

S. R. 138 is reproduced from Article 1128, Civil Service Regulations, with modification made to include cases referred to in Note to that article, and Bengal Government, Finance Department, No. 270-T.—F., dated the 19th May 1928.

Clause (c) is based on paragraph 1473, Bengal Companion to the Civil Service Regulations.

S. R. 139 is based on article 1127, Civil Service Regulations, with modifications to clause (a) by the India Government, Finance Department, No. 1640-C. S. R., dated the 25th September 1923, and No. 757-E.B., dated the 20th May 1921.

S. R. 140 is based on an India Government rule corresponding to rule 2 under article 1127, Civil Service Regulations, with reduction in the distance of the new station to 50 miles.

S. R. 141 is a new rule of general nature, based on an India Government rule.

S. R. 142 and 143 are reproduced from article 1121, Civil Service Regulations.

Note to S. R. 142 was inserted by Bengal Government, Finance Department, No. 1782-F., dated the 9th June 1926.

S. R. 144 is reproduced from Appendix No. 30—Part I—rule 8, Civil Service Regulations.

S. R. 145 follows S. R. 144.

S. R. 146 is reproduced from article 1128, Civil Service Regulations, with slight modifications to suit provincial surveys.

S. R. 147 and 148 are reproduced from articles 1131A and 1132, Civil Service Regulations, respectively.

S. R. 149 is a new rule based on an India Government rule.

S. R. 150 contains the substance of article 1133, Civil Service Regulations.

Notes 2 and 3 were inserted by Bengal Government, Finance Department, No. 1106-F., dated the 1st March 1928, and No. 2919-F., dated the 31st July 1928.

S. R. 151 is based on article 1134, Civil Service Regulations.

S. R. 152 contains the substance of article 1136, Civil Service Regulations.

S. R. 153 is taken from the note under article 1136, Civil Service Regulations.

Note is based on paragraph 1488, Bengal Companion to the Civil Service Regulations.

S. R. 154 contains the substance of article 1137, Civil Service Regulations.

S. R. 155 and 156 contain the substance of articles 1137B and 1138, Civil Service Regulations, respectively.

S. R. 157 is taken from the Note under article 1136, Civil Service Regulations.

S. R. 158 embodies the substance of a ruling of the Government of India not incorporated in the Civil Service Regulations.

S. R. 159 is reproduced from article 1137A, Civil Service Regulations.

Note was inserted by Bengal Government, Finance Department, No. 615-F., dated the 11th February 1928.

S. R. 160 contains the gist of article 1138A, Civil Service Regulations.

Note refers to a list of cases collected from the Bengal Companion to the Civil Service Regulations in which travelling allowance is allowed for journeys to undergo training.

S. R. 161 contains the substance of article 1138B (2), Civil Service Regulations.

S. R. 162 to 166 are based on certain rules of Appendix No. 30, Civil Service Regulations.

S. R. 167 is a new rule based on an India Government rule.

S. R. 168 is reproduced from article 1013, Civil Service Regulations, with modifications to suit Bengal.

Note is based on the last sentence of paragraph 1192, Bengal Companion to the Civil Service Regulations.

S. R. 169 is taken from the second part of article 1044, Civil Service Regulations.

S. R. 170 is reproduced from article 1014, Civil Service Regulations.

Note is based on Bengal Government, Finance Department, No. 4702-F., dated the 13th December 1928.

S. R. 171 is a new rule based on an India Government rule.

S. R. 172 is reproduced from article 1029, Civil Service Regulations.

Note was inserted by Bengal Government, Finance Department, No. 1043-F., dated the 11th March 1926.

S. R. 173 is reproduced from article 1017A, Civil Service Regulations.

Note is based on the India Government, Finance Department, No. 1317-C.S.R., dated the 7th August 1923.

S. R. 174 is article 999 (1) somewhat reworded.

Note 1 is based on paragraph 1111, Bengal Companion to the Civil Service Regulations.

Note 2 was inserted by Bengal Government, Finance Department, No. 1043-F., dated the 11th March 1926.

S. R. 175 is reproduced from article 999 (2), Civil Service Regulations.

Notes 1 to 3 embody the rules contained in the Bengal Companion to the Civil Service Regulations, regulating the charges to be levied for the use of Government steamers, steam launches, boats and Government elephants.

S. R. 176 covers the exceptions now set forth in clauses (b), (d) and (e) of article 999A, Civil Service Regulations.

Note shows the cases of exemptions referred to in article 999A, (d) to (e), Civil Service Regulations. (*Vide* also Bengal Government, Finance Department, No. 256-F., dated the 18th January 1928.)

S. R. 177 covers clause (a) of article 999A, Civil Service Regulations.

S. R. 178 reproduces the Note under article 999 (1), Civil Service Regulations.

S. R. 179 is a new rule based on an India Government rule.

S. R. 180 is reproduced from article 1138 (B) (1) (a) and (b), Civil Service Regulations, with the rate of daily allowance altered.

S. R. 181 is reproduced from article 1003, Civil Service Regulations, with the rate of daily allowance altered, and amended by Bengal Government, Finance Department, No. 1678-F., dated the 22nd May 1926.

S. R. 182 follows article 1004, Civil Service Regulations.

Note 1 is based on Bengal Government, Finance Department letter No. 9583-F., dated the 12th November 1923.

Note 2 is based on paragraph 1170A, Bengal Companion to the Civil Service Regulations.

Note 3 is based on India Government order embodied in paragraph 1535, Bengal Companion to the Civil Service Regulations.

Note 4 was inserted by Bengal Government, Finance Department, No. 1206-F., dated the 12th March 1928.

S. R. 183 is taken from the second part of article 1159, Civil Service Regulations, with an amplification intended to cover an existing practice.

Note refers to a list of controlling officers, based on Appendix No. 10 and paragraph 1528, Bengal Companion to the Civil Service Regulations.

S. R. 184 is taken from the first part of article 1159, Civil Service Regulations, but the rule is extended to cover travelling allowance on all cases of journey and not on tour only. This is obviously desirable, as bills for such journeys as journeys on transfer clearly require very careful scrutiny before encashment.

S. R. 185 reproduces article 1160, Civil Service Regulations.

S. R. 186 contains the substance of article 1162, Civil Service Regulations.

S. R. 187 follows article 1161, Civil Service Regulations, slightly amplified.

Note to S. R. 187 (c) was inserted by Bengal Government, Finance Department, No. 4234-F., dated the 27th August 1927.

S. R. 188 is a new rule which follows from the principle laid down in Fundamental Rule 45 (d).

S. R. 189 to 196 are based on articles 72 and 74, Civil Service Regulations, re-arranged in a convenient way.

S. R. 197 is reproduced from article 193 (c), Civil Service Regulations.

S. R. 198 is based on article 193A, Civil Service Regulations.

S. R. 199 reproduces article 194, Civil Service Regulations.

S. R. 200 to 202 are based on article 841 (a) and (b), Civil Service Regulations. S. R. 200 (b) was inserted by Bengal Government, Finance Department, No. 2623-F., dated the 26th August 1926.

S. R. 203 is reproduced from article 197 (b) and (c), Civil Service Regulations, with notes thereunder.

S. R. 204 is based on the Bengal Government, Finance Department, Nos. 1688-1707-T.—F., dated the 10th October 1923.

S. R. 205 is based on the Bengal Government, Finance Department, Nos. 8969-F. and 8986-F., dated the 8th October 1923.

Note was inserted by Bengal Government, Finance Department, No. 2058-F., dated the 30th March 1927.

S. R. 206 to 208 reproduce the substance of article 220, Civil Service Regulations, conveniently arranged.

S. R. 209 is a new rule which is generally followed in practice in certain offices.

S. R. 210 is based on articles 223 (b) and 226, Civil Service Regulations.

S. R. 211 is based on article 229 (Note 2), Civil Service Regulations.

S. R. 212 reproduces article 299 (c), Civil Service Regulations.

S. R. 213.—Clause (1) is based on the Bengal Government, Finance Department, No. 6267-F., dated the 30th March 1922, and clause (2) is

taken from the Auditor-General's No. 1136-A-398-23, dated the 16th November 1923.

- S. R. 214 is a new rule based on an India Government rule.
- S. R. 215 is based on article 825, Civil Service Regulations, amplified.
- S. R. 216 is reproduced from article 849, Civil Service Regulations.
- S. R. 217 is based on article 861, Civil Service Regulations.
- S. R. 218 is based on article 781, Civil Service Regulations.
- S. R. 219 is reproduced from article 827A, Civil Service Regulations.
- S. R. 220 is reproduced from article 827B, Civil Service Regulations.
- S. R. 221 is reproduced from article 828, Civil Service Regulations.
- S. R. 222 and 223 are based on article 829, Civil Service Regulations.
- S. R. 224 is based on article 830, Civil Service Regulations.
- S. R. 225 reproduces article 831, Civil Service Regulations.
- S. R. 226 reproduces article 832, Civil Service Regulations.
- S. R. 227 is based on article 833, Civil Service Regulations.

Note is based on Bengal Government resolution No. 2556-Medl., dated the 8th September 1921.

- S. R. 228 and 229 are based on article 834, Civil Service Regulations.
- S. R. 230 is a new rule based on an India Government rule.
- S. R. 231 is reproduced from article 303, Civil Service Regulations.
- Note* is based on article 704, Civil Service Regulations.
- S. R. 232 is based on article 827A, Civil Service Regulations.
- S. R. 233 is based on article 218, Civil Service Regulations.
- S. R. 234 is based on article 216, Civil Service Regulations.
- S. R. 235 reproduces article 217, Civil Service Regulations.
- S. R. 236 is based on article 219, Civil Service Regulations.
- S. R. 237 is based on articles 837 and 857 (a), Civil Service Regulations.

S. R. 237A is based on India Government, Finance Department, letter No. F-240 (2)-C.S.R./24, dated the 2nd March 1925.

S. R. 238 covers the provisions in article 202 (a) (Note 2), Civil Service Regulations.

- S. R. 239 is based on article 836, Civil Service Regulations.
- S. R. 240 is based on article 883, Civil Service Regulations.
- S. R. 241 reproduces article 228, Civil Service Regulations.

S. R. 242 (a) is based on Bengal Government, Finance Department, No. 788-T.—F., dated the 15th June 1928; clause (b) states the existing practice.

- S. R. 243 is based on article 840, Civil Service Regulations.
- S. R. 244 is based on article 815, Civil Service Regulations.
- S. R. 245 is taken from article 816, Civil Service Regulations.
- S. R. 246 is based on article 818, Civil Service Regulations.
- S. R. 247 follows article 816, Civil Service Regulations.
- S. R. 248 is based on article 821, Civil Service Regulations.
- S. R. 249 reproduces article 820, Civil Service Regulations.
- S. R. 250 reproduces article 819, Civil Service Regulations.

S. R. 251 and 252.—Two new rules inserted to deal with the procedure for the proper custody of service books.

S. R. 253 is reproduced from article 822, Civil Service Regulations.

S. R. 254 and 255 are based on articles 823 and 824, Civil Service Regulations.

S. R. 256 is taken from article 817, Civil Service Regulations.

S. R. 257 is a new rule for disposal of service books after death or retirement, etc.

S. R. 258 is based on Bengal Government, Finance Department, No. 7298/7312-F., dated the 6th August 1923.

S. R. 259 and 260 are based on articles 271 and 273, Civil Service Regulations, redrafted on the lines of the India Government rules, and Bengal Government, Finance Department, No. 1144-F., dated the 22nd February 1927 and No. 962-T.—F., dated the 17th October 1927.

S. R. 261 and 262, dealing with cases of casual leave, have been taken from articles 308 and 309, Civil Service Regulations.

S. R. 263 to 265 are based on articles 62 (b) and (c), 267 (1) and 268, Civil Service Regulations. They follow the India Government rules slightly modified in clause 264 (2) with reference to India Government, Finance Department, No. 87-C. S. R., dated the 15th January 1923.

S. R. 264 (2) (a) was inserted by Bengal Government, Finance Department, No. 2468-F., dated the 5th August 1926.

Note was inserted by Bengal Government, Finance Department, No. 3863-F., dated the 7th November 1926.

S. R. 266 is based on Bengal Government, Finance Department, No. 1530-F., dated the 12th February 1923.

S. R. 267 is based on article 288A, Civil Service Regulations, slightly modified.

S. R. 268 is based on the general rule in article 232, Civil Service Regulations.

S. R. 269 to 272 follow the India Government rules which have been based generally on articles 287, 288 and 291, Civil Service Regulations.

Note to *S. R. 269* was inserted by Bengal Government, Finance Department, No. 11355-F., dated the 19th November 1925.

S. R. 269A was inserted by Bengal Government, Finance Department, No. 3096-F., dated the 6th July 1927, and No. 4366-F., dated the 30th August 1927.

S. R. 273 is based on article 289, Civil Service Regulations.

S. R. 274 is based on article 290, Civil Service Regulations.

Note was inserted by Bengal Government, Finance Department, No. 11355-F., dated the 19th November 1925.

S. R. 275 and 276 are based on articles 242 (a) and (b) and 320 (b), Civil Service Regulations.

Note 2 to *S. R. 275* was inserted by Bengal Government, Finance Department, No. 5873-F., dated the 9th June, 1925.

Exception under *S. R. 275* is based on India Government, Finance Department, No. 783-C. S. R., dated the 18th July 1922.

Exception under *S. R. 276* was inserted by Bengal Government, Finance Department, No. 475-F., dated the 1st February 1927.

S. R. 277 is based on Bengal Government, Finance Department, No. 7298-7312-F., dated the 6th August 1923.

S. R. 278 and 279 are based on articles 243 and 369, Civil Service Regulations, sufficiently amplified.

S. R. 280 and 281 are based on article 655, Civil Service Regulations.

S. R. 282 is taken from article 653, Civil Service Regulations.

S. R. 283 is based on article 656, Civil Service Regulations.

S. R. 284 reproduces article 208, Civil Service Regulations.

S. R. 285 reproduces article 666, Civil Service Regulations.

S. R. 286.—Cancelled.

S. R. 287 to 289 are taken from articles 202 and 203, Civil Service Regulations, and Bengal Government, Finance Department, No. 890-T.—F., dated the 30th September 1927.

S. R. 290 is taken from article 180, Civil Service Regulations.

S. R. 291 is based on article 176, Civil Service Regulations.

S. R. 292 follows article 175, Civil Service Regulations.

S. R. 293 to 295 are based on articles 177, 181 and 184, Civil Service Regulations, respectively.

S. R. 296 follows article 183, Civil Service Regulations.

S. R. 297 is based on article 182, Civil Service Regulations, and an India Government, Finance Department, ruling embodied in paragraphs 372 and 367, Bengal Companion to the Civil Service Regulations.

S. R. 298 is based on article 178 (a), Civil Service Regulations.

S. R. 299 is based on article 178 (b), Civil Service Regulations.

S. R. 300 is a new rule necessitated by Fundamental Rule 105 (b) (ii).

S. R. 301 reproduces an India Government ruling embodied in paragraph 364, Bengal Companion to the Civil Service Regulations.

S. R. 302 is a Bengal Government declaration.

S. R. 303 to 305 are based on Bengal Government, Finance Department, letter No. 8656-F., dated the 24th September 1923, and No. 4225-F., dated the 25th August 1927.

S. R. 305A and Note were inserted by Bengal Government, Finance Department, No. 2856-F., dated the 25th July 1928.

S. R. 306 is taken from article 188, Civil Service Regulations.

S. R. 307 and 308 are taken from articles 773 and 774, Civil Service Regulations.

S. R. 309 and 310 are based on article 772, Civil Service Regulations.

S. R. 311 is based on first clause of article 776, Civil Service Regulations, and Bengal Government, Finance Department, No. 1553-F., dated the 10th May 1926.

S. R. 312 is based on the latter part of article 778, Civil Service Regulations.

S. R. 313 is based on the first clause of article 755 (b), Civil Service Regulations.

S. R. 314 is taken from the last sentence of article 758, Civil Service Regulations.

APPENDIX No. 23

(F. R. 44, S. R. 124.)

Darjeeling Code.**Summary of the Rules for the Grant of Allowances to officer accompanying His Excellency the Governor of Bengal to and from Darjeeling.***Officers authorised to visit the hills at their Own Expense.*

1. The following heads of departments are authorised to accompany the Government to Darjeeling at their own expense:—

Commissioner of Excise and Salt.

Director of Agriculture.

Director of Land Records.

Director of Public Health.

Director of Public Instruction.

Inspector-General of Police.

Inspector-General of Prisons.

Inspector-General of Registration.

Registrar, Co-operative Societies, Bengal.

Superintendent and Remembrancer of Legal Affairs.

Surgeon-General with the Government of Bengal.

Any addition to, or modification of, the above list requires the special sanction of Government.

Note.—Assistant Inspector-General of Police when he accompanies Inspector-General of Police to Darjeeling will draw travelling allowance under these rules.

2. The Member of the Board of Revenue with his Secretary and establishment is permitted to be present at Darjeeling while it is the headquarters of Government.

Travelling Allowance.

3. All officers of the Secretariat other than inferior servants draw travelling allowance at the rates laid down in the Subsidiary Rules framed under the Fundamental Rules.

Note.—The Superintendent and Remembrancer of Legal Affairs and the Director of Public Instruction, when performing the duties of Secretary to Government in the Judicial Department and Deputy Secretary to Government in the Education Department respectively, are officers of the Secretariat for the purpose of these rules.

4. To cover the cost of the journey each way, inferior servants will receive, in addition to the actual cost of one single fare by the lowest class on the train by which they travel, an allowance of Rs. 4-8.

(Bengal Government, Finance Department, No. 3435-F., dated the 8th November 1926.)

NOTE.—If a peon is required to proceed to Darjeeling or Calcutta otherwise than with the move of Government, he will get the actual railway fares each way when the absence from his headquarters either at Calcutta or Darjeeling does not exceed seven days. In all other cases, if the journey is between Calcutta and Darjeeling direct, travelling allowance at the special rates admissible under rule 4 above will be granted, but no halting allowance. (Bengal Government, Finance Department, No. 2443-F., dated the 23rd April 1927.)

5. Any Assistant or inferior servant who can satisfy the head of his department that he has urgent reasons for proceeding to Calcutta, e.g. owing to serious illness among the members of his family, may once in a season be permitted to go to Calcutta and return at the public expense. In such cases only the actual fare for the class in which the officer is entitled to accommodation will be granted.

6. A head of a department going up straight from Calcutta to Darjeeling, or vice versa, ordinarily draws no travelling allowance; but when summoned to the hills for any special work or to attend the annual conference, he will draw the travelling allowance admissible under the rules as for a journey on tour. All tours of inspection made within the hills will be treated as beginning at Darjeeling. Commissioners of Divisions who draw a fixed travelling allowance when invited to attend the annual conference at Darjeeling may draw travelling allowance under S. R. 72 (2).

NOTE.—When a Government servant permitted under rule 1 or 2 to accompany the Government to Darjeeling at his own expense is required to proceed to Calcutta or elsewhere during the period of his stay in Darjeeling for a specific purpose under the specific orders of Government, he will be entitled to draw in respect of such journey travelling allowance as for a journey on tour. (This will have effect from the 1st April 1928.) (Bengal Government, Finance Department, No. 3885-F., dated the 7th December 1926.)

Extra Allowances at Darjeeling.

7. **Assistants.**—Allowances on the following scale will be granted, in addition to pay, from the day of leaving Calcutta to the day of return :—

	Extra allowance per month.	Rs.
For Head Assistants and other Assistants whose actual pay is Rs. 300 a month and above	100	•
For Assistants whose actual pay is Rs. 225 and less than Rs. 300	90	
For Assistants whose actual pay is Rs. 175 and less than Rs. 225	80	
For Assistants whose actual pay is Rs. 125 and less than Rs. 175	70	
For Assistants whose actual pay is Rs. 85 and less than Rs. 125	60	
For Assistants whose actual pay is less than Rs. 85	50	

NOTE 1.—Military Assistant-Surgeons attached to the dispensary of His Excellency's household will draw hill allowance at the rates admissible to Secretariat Assistants under this rule. (Bengal Government, Finance Department, No. 3698-F., dated the 25th July 1927.)

NOTE 2.—Special pay or personal pay should not be taken as part of pay for the purpose of this rule.

7A. *Record-suppliers.*—An allowance of Rs. 10 per month will be granted in addition to pay from the day of leaving Calcutta to the day of return thereto. (Bengal Government, Finance Department, No. 12564-F., dated the 16th December 1925.)

8. *Inferior servants.*—An allowance of Rs. 10 per month will be granted to the duftries and jamadars, and of Rs. 9 per month to chaprasis and peons, in addition to pay, from the day of leaving Calcutta to the day of return thereto. (Bengal Government, Finance Department, No. 251-T.—F., dated the 11th June 1927.)

9. Every inferior servant will receive—

- (1) a blanket and a pair of warm trousers once a year;
- (2) a pair of putties and, if not entitled to livery, a warm coat once in two years.

(Bengal Government, Finance Department, No. 292-T.—F., dated the 11th May 1926.)

10. Each peon and duftry and the mali-chowkidar attached to the Secretariat Tour Office at Darjeeling are supplied with a cloth umbrella once a year at a cost to be fixed by the Finance Department. (Bengal Government, Finance Department, No. 5335-F., dated the 7th November 1927.)

House-rent.

11. Assistants for whom it is found impossible to provide accommodation in Government buildings will receive house-rent allowance at the following rates:—

	Per month.	Rs. A.
Assistants drawing pay not less than Rs. 400 a month 	37 8	
Assistants drawing pay not less than Rs. 100 a month 	30 0	
Assistants drawing pay less than Rs. 100 a month 	15 0	

In each case the Head Assistant in charge must certify that the rent was actually paid by the Assistant for the period in question.

Note 1.—These rent allowances are not admissible for any period not falling either between the 1st April and the 30th June or between the 1st September and the 15th November. (Bengal Government, Finance Department, No. 235-T.—F., dated the 11th June 1927.)

Note 2.—Special pay or personal pay should not be taken as part of pay for the purpose of this rule.

12. Inferior servants are entitled to free accommodation. When quarters are not available for any servant in a Government building, house-rent not exceeding Rs. 4 a month may be granted under a special order of Government.

Advance of pay, etc.

13. An advance of one month's pay, to be recovered in three equal successive monthly instalments, may be granted by the Accountant-General, Bengal, under orders of heads of departments and offices, to ministerial officers accompanying them to Darjeeling.

14. An officer who accompanies the headquarters of Government to Darjeeling may draw his pay and the allowances admissible under these rules either at Darjeeling or in Calcutta, or partly at Darjeeling and partly in Calcutta.

Miscellaneous.

15. The establishment of heads of departments and any other officers whose attendance at Darjeeling the Government may, on public grounds, direct, should be treated on the same footing in respect of travelling and other allowances and accommodation as are prescribed for the Secretariat establishment. But the expenditure on hill allowances and charges in offices of heads of departments shall not, without special sanction, exceed the following maxima per annum:—

Name of officer.	Amount.
	Rs.
Commissioner of Excise and Salt	90
Director of Agriculture	250
Director of Land Records	300
Director of Public Health	600
Director of Public Instruction	1,200
Inspector-General of Police	950
Inspector-General of Prisons	400
Inspector-General of Registration	190
Registrar, Co-operative Credit Societies	190
Superintendent and Remembrancer of Legal Affairs	350
Surgeon-General with the Government of Bengal	600

16. A statement showing the names and pay of the Assistants and menials, etc., who are to be taken up to Darjeeling, shall be submitted by each department of the Secretariat and by each head of a department to the Finance Department for scrutiny two weeks before each trip, and a copy of the same shall be sent to the Public Works Department to enable them to allot accommodation.

Rules regarding the Occupation of Government Buildings at Darjeeling.

17. Registrars are not provided with quarters in the buildings.

18. I. Accommodation is provided as follows for the different classes of Assistants:—

Meadow Bank and Cutchery Buildings	...	Hindus.
Magdala Cottage	...	Musalmans.
Thorn Cottage	...	Anglo-Indians.
Little Thorn Cottage	...	Other than Hindus and Musalmans.

II. (i) The family quarters in Thorn Cottage will be allotted in order of seniority to Anglo-Indian Assistants bringing up their families. The senior Anglo-Indian Head Assistant in each Secretariat Department is entitled to a room to himself if he has not a family with him. Quarters not so occupied will be allotted to as many single Anglo-Indian Assistants as can be accommodated in them.

(ii) When a married Assistant who has been allotted quarters in the building during the Darjeeling season wishes his family to remain on in the building in the interval between the first and second trip, he should obtain permission from the Public Works Department Secretary through his official superior.

(iii) During the winter months no Assistant or his family will be allowed to live in the building without the special permission of the Secretary in the Public Works Department, to be obtained through his official superior. Such occupation, if permitted, will be liable to rent.

III. The senior non-Anglo-Indian married Head Assistant in the selection grade of each department of the Secretariat, viz.—

- (1) Political, Appointment and Judicial;
- (2) Finance, Commerce and Marine;
- (3) Revenue;
- (4) Local Self-Government;
- (5) Public Works;
- (6) Agriculture and Industries;
- (7) Irrigation;
- (8) Education;

may be granted a special house-rent allowance of Rs. 50 if he brings up his family.

NOTE.—This allowance is not admissible for any period not falling either between the 1st April and the 30th June or between the 1st September and the 15th November. (Bengal Government, Finance Department, No. 235-T-F., dated the 11th June 1927.)

IV. When accommodation for the full number of Assistants of any class is not available in the quarters provided, Assistants bringing families with them will be given choice in the order of their seniority to receive house-rent allowance as provided in rule 11 instead of accommodation in Government quarters.

Note.—The Finance Department when scrutinising the lists of Assistants submitted under rule 18 should arrange that the numbers of each class of Assistant brought up to Darjeeling should be such as to secure full use of the Government quarters.

V. (1) The senior Public Works Department Assistant in Darjeeling will be in charge of the five Government residential buildings for Government clerks in Darjeeling, and, with the assistance of the senior Public Works Department Assistant residing in each quarters, will be responsible for the care and custody of the furniture in the five buildings during the months the headquarters of Government are in Darjeeling.

(2) All requests and complaints from the Assistants in these quarters should be addressed to him. In the absence of the senior Assistant in charge from Darjeeling, requests and complaints should be addressed to the Subdivisional Officer, Public Works Department, Darjeeling.

(3) A printed list of the furniture in each room should be hung up in a conspicuous part of the room, enclosed in a frame with a glass cover. A duplicate copy of all lists in the form of a register, which will be supplied by the Executive Engineer, will be kept by the senior Assistant in charge.

(4) The senior Assistant in charge (who will be permitted, if possible, to proceed to Darjeeling at least four days in advance of his department) will, on arrival, inspect and verify all the furniture in each building, noting its condition. Any discrepancies or defects found should be reported to the Subdivisional Officer with as little delay as possible for attention.

(5) Assistants on taking possession of their respective quarters or seats must immediately check the furniture with the list, and should any shortage or defect be noted by them, report the fact in writing within 24 hours to the senior Assistant in charge.

(6) Assistants are strictly prohibited from removing from, or exchanging with, another room or building any article of, furniture for their own use without the knowledge and previous consent of the senior Assistant in charge of the Public Works Department.

(7) Articles removed or exchanged will be entered in the register maintained by the senior Assistant in charge of the Public Works Department, but the Assistant who obtained permission to remove or exchange any article must himself arrange to replace it at his own cost in the room or building before vacating the quarters. If he fails to do so, the expenditure incurred in replacing the article will be recovered from him.

(8) Assistants are expected to take reasonable care of the furniture in their quarters. If during occupation or before vacating, any article is accidentally damaged or broken, the Assistant responsible

should immediately report the fact in writing to the senior Assistant in charge, who will at once take steps to have the article repaired or replaced as may be necessary.

(9) Before vacating the quarters, each Assistant should ask the chaukidar in charge to check the furniture with the list and take over the keys. If any article is found to be missing, damaged or broken, the chaukidar should immediately report the matter to the senior Assistant in charge of the Public Works Department and, in his absence, to the Subdivisional Officer. The cost of replacement of any missing article will be recovered from the Assistants concerned and also of repairs to any damaged article, unless the matter has already been dealt with under rule (8). For the purpose of this rule, the chaukidars will be supplied with a list of the furniture in their own vernacular.

(10) As soon as possible after the quarters are vacated, the senior Assistant in charge will inspect the furniture in all the five quarters and see if they are in order. In case he has to leave Darjeeling before the quarters are wholly vacated, the Subdivisional Officer should carry out the inspection.

(11) Assistants are not permitted to leave their private property locked up in almirahs or chests-of-drawers on vacating the quarters.

(12) Any infringement of the foregoing rules by an Assistant must immediately be reported in writing by the senior Assistant in charge to the Executive Engineer, Darjeeling Division, who will take such action as he may consider necessary.

(13) A copy of these rules will be hung up in each room and will be considered as part of the furniture for such room.

Tour Contingencies, Civil Secretariat.

19. All bills for each month must be adjusted during the first week of the ensuing month, or more frequently if the amount to be adjusted is large.

20. All sums drawn in advance from the treasury will remain with the Assistant in charge of the Accounts Department on tour, and he alone will make all payments.

* 21. The Head Assistant or Assistant in charge will sign vouchers and orders for the supply of articles required when the value does not exceed Rs. 20 in each case. The person who signs an order will be responsible that the articles signed for are required and are actually supplied, and it must be understood that if retrenchment is ultimately ordered, it is he who will have to make good the amount. Contingencies exceeding Rs. 20 in each case will require the sanction of the Under Secretary or Assistant Secretary.

22. Articles of which a regular supply is required, such as paste, etc., will be obtained by all departments from one dealer only, and arrangement must be made with him for the submission of his account at the end of the month with vouchers attached, showing in detail the amounts supplied and the date of supply. This plan will avoid the necessity of making constant petty payments, and will enable some idea to be formed of the expenditure of these articles every month.

23. Any articles supplied which are of a durable nature should be returned to the Accountant in the tour office at the end of the tour season to be kept in stock; when given out, a receipt should be taken from the recipient, which will not be returned to him till the article to which it refers is restored. It will be the duty of the Assistant in charge of the tour accounts to make a duplicate list of all such articles when the office breaks up. He will make over one copy of the list with the articles to the chaukidar of the Secretariat building, while the other will be kept for record in the office. On the return of the office to Darjeeling, the Assistant in charge of the Accounts Department should check the list, and see that the articles are correct.

24. Two mats for the peons of each office of the Secretariat, one for the peons of each Hon'ble Member's or Minister's staff, one for the peons of each Secretary's staff and one for each Deputy Secretary's or Under Secretary's or Assistant Secretary's staff are allowed for the whole season at Darjeeling. (Bengal Government, Finance Department, No. 141-T.—F., dated the 20th May 1927.)

NOTE.—The orders in rules 23 and 24 affecting peons are equally applicable to those of the heads of departments who accompany the Governor to Darjeeling as to the Secretariat peons.

APPENDIX No. 24

1. (1) These rules may be called the Passage (Subordinate) Rules, 1925.

(2) They apply to any person of non-Asiatic domicile engaged outside India on contract for a definite period of not less than three years' service to whom a second class passage to India is granted by the Government on his proceeding to join his appointment and to the extent that Government may decide, to any person of non-Asiatic domicile engaged on contract outside India for a period of less than 3 years or engaged on contract in India to whom they may be declared by government to apply.

(3) Female employees shall not be entitled to the benefits admissible to the families of male employees.

2. In these rules "employee" means a person to whom these rules apply.

"Family" includes a wife, unmarried sons and daughters and step-daughters of any age and step-sons under the age of 16 years who reside with and are dependent upon the employee.

The expression "free passage" includes (a) second class accommodation by steamship by the all-sea route; (b) third class railway fare from the employee's home or usual place of residence to the port of embarkation and *vice versa*, plus the following allowances for incidental expenses—15s. for the employee travelling alone, 20s. for the employee travelling with his wife and family, 15s. for a wife travelling alone, and 20s. for a wife accompanied by children; (c) a free railway pass (or an allowance in lieu thereof) and free conveyance of baggage up to a limit of 5 maunds for the journey, from the port of disembarkation in India to his station and *vice versa*, plus the following allowances for incidental expenses—Rs. 20 for the employee travelling alone or with his wife and family, Rs. 15 for a wife travelling alone, and Rs. 20 for a wife accompanied by children; (d) a mileage allowance in India at the rate laid down for the time being by the Government for each person for such journeys by road as may be necessary; (e) a halting allowance in India at the rate laid down for the time being by the Government for each person for every day, if detailed under orders at the port of disembarkation or elsewhere.

"Government" means the Government of India under which the employee is employed.

3. Free passages to India shall be granted by the Government—
(a) to the family of an employee in respect of their first voyage to India, whether they actually accompany the employee or join him later; (b) to the wife of an employee who enters service as a bachelor but marries while in the United Kingdom on leave; (c) to the intended wife of an employee when proceeding to India to marry him:

Provided that an employee who has been granted a free passage for his wife or intended wife under this rule shall not be entitled to a second passage if he remarries, but a second wife may claim any concessions which were available to but were not utilised by a first wife.

4. Free passage to the United Kingdom shall be granted to an employee when granted leave on medical certificate to that country

during his service, and free passage back to India when pronounced fit to resume duty. If an employee shall take leave on private affairs after being pronounced by the Medical Board fit to return to duty in India, he shall forfeit any right to free return passage to India under this rule.

5. Free passage to any port in Europe or in a British colony, dominion or possession, shall be granted to an employee who is recommended by the proper medical authority to proceed to such place, and free return passage when pronounced fit to resume duty, provided that the cost of such passages shall not exceed the cost of passages to and from the United Kingdom.

6. When an employee is granted leave on medical certificate the Government will, but not more than twice during his service, pay half the cost of passages from and/or to India for his family if they accompany him or precede or follow him within a time fixed by Government. But the cost of this concession shall not exceed half the cost of passages to and/or from the United Kingdom.

7. The Government shall also, but not more than twice during an employee's service, pay half the cost of passages from and to India for his family if they accompany him on leave when invalided. If the family accompany the employee in one direction only, the Government shall pay half the cost of a single passage, provided that the cost of the concession shall not exceed half the cost of passages to and/or from the United Kingdom as the case may be.

8. An employee who, whilst on ordinary leave out of India, is granted leave on medical certificate for a period exceeding two months on account of an illness which is certified by the proper medical authority to have been contracted in India or to be due to service in that country, shall be granted a free passage to India for himself, together with half the cost of passages for his family (subject to the limitation stated in rule 6) from the United Kingdom or from any port in Europe or in a British colony, dominion or possession (on his being pronounced fit to resume duty by the proper medical officer) on the termination of such leave. In the case of an employee on leave in a British colony, dominion or possession, the Government shall decide, for the purpose of this rule, what medical evidence shall be accepted.

9. Free passages to the United Kingdom or to any port in a British colony, dominion or possession shall be granted to the family of an employee who dies whilst in Government service, provided that the cost of such passages shall not exceed the cost of passages to the United Kingdom.

10. Free passages to the United Kingdom shall be granted to the employee and his family at the end of his service, notwithstanding that his service may be continued beyond the term of his original agreement, if his service is regarded as satisfactory, and provided further that he actually quits the service in India and leaves India within such time as the Government may direct. A female employee whose service is terminated by marriage shall not be eligible for passage under this rule. (India Government, Finance Department, No. F.34—C.S.R.—27, dated the 4th February 1927.)

11. In lieu of the passages admissible under rule 9, an employee may be granted passages to any other country, if he wishes to proceed there and has permission to reside there subject to his formally renouncing any claim to return passage to the United Kingdom, provided that the cost of such passages shall not exceed the cost of passages to the United Kingdom.

12. In lieu of the passages admissible under rule 9 or 10, passages may, in exceptional circumstances, be provided prior to the end of the employee's service. When such passages have been so provided, no further passages shall be admissible when the employee finally leaves the service, and any sums paid in respect of such passages shall be liable to recovery should the employee's subsequent service prove unsatisfactory or should he terminate his service in circumstances other than such as may reasonably be regarded as covered by the term "retirement including invaliding." (India Government, Finance Department, No. F. 57—C. S. R.—25, dated the 7th January 1926.)

APPENDIX No. 25

Travelling, etc., allowances of Civil Officers serving under the Secretary of State, the Government of India, or the High Commissioner for India when on duty in Europe or America.

The pay of officers serving under the Government of India who may be deputed to work in Europe or America is governed by Fundamental Rule 51.

An officer who elects to consume leave on average pay during a period of duty out of India may be granted an honorarium equal to one-sixth of his Indian pay for the period in question. He will be eligible for compensatory or travelling allowances in addition under the rules below as if drawing pay under Fundamental Rule 51.

The following regulations have been approved to govern the grant, under the authority of the Secretary of State for India, of travelling and other allowances. They do not apply to cases governed by special rules, e.g., study leave, forest tours, etc.

They take effect from 1st October 1924, and are subject to review from time to time.

Section I.—Classification of Officers.

1. For the purposes of these rules, officers are divided into classes as under:—

(a) Indian Services (according to the classification in Supplementary Rule 17 to the Fundamental Rules).

(b) Officers serving under the Secretary of State or the High Commissioner:—

First Class.—Administrative and higher executive officers.

Second Class.—Other executive and clerical officers.

Third Class.—Other officials.

2. Military officers, etc., if paid at civil rates, are classified under these rules as follows: commissioned officers, first class, warrant officers, second class, other ranks, third class. If paid at military or naval rates, their allowances are governed by Army or Navy Regulations.

Section II.—Compensatory Allowance.

3. Subject to the provisions of rules 4 and 5, officers who are sent from India on deputation may be granted a compensatory allowance at the following rates from date of landing in this country to date of re-embarkation for India: 1st class, 16s. 8d. a day; 2nd class, 12s. 6d. a day; 3rd class; 8s. 4d. a day.

4. If an officer is permitted to take leave during his deputation, or to delay his embarkation for India at the conclusion of his deputation by taking leave, payment of compensatory allowance will cease during the period of leave.

5. An officer who is eligible for a compensatory allowance under this section may be granted halting allowance under section IV, in lieu thereof, if to his advantage, in respect of necessary absences on duty away from headquarters.

6. Officers placed on deputation while on leave in this country may be granted a compensatory allowance at the rates prescribed in rule 3 if they can show that they are put to extra expense in the matter of accommodaton through being placed on duty. They will draw halting allowance in lieu thereof in respect of necessary journeys on duty away from headquarters.

Section III.—Travelling Expenses.

7. Travelling expenses when admissible are granted as follows where actually incurred:—

First Class.—First class railway or steamer fare.

Second Class.—Second, if available, otherwise third.

Third Class.—Third class.

8. In the case of cross-channel passages, second class officers may travel first class and third class officers second.

9. Only the cost of return tickets is allowed when such can be taken.

10. An officer, unless otherwise instructed, is expected to take up his headquarters at his place of work, and will not be refunded the cost of journeys (other than the first and last) between his home or place of residence and his headquarters.

11. Except as provided in rule 11A, necessary incidental expenses, such as taxi or cab fares, motor hire, etc., may be passed by the Accountant-General, India Office, or the Chief Accounting Officer to the High Commissioner at their discretion. The extra cost of sleeping berths or seats in Pullman cars will not be allowed elsewhere than in America without the sanction of the Secretary of State in Council.

11A. Officers entitled to second class passages who are deputed to the United Kingdom receive in respect of journey from port of embarkation to their homes and vice versa the following allowance in lieu of refund of incidental expenses under rule 11, namely, 15s. for each journey if the officer travels alone and £1 for each journey if he is accompanied by his wife or family.

12. An officer ordered to travel by the overland route to or from India on duty may be granted in addition to travelling expenses, an inclusive sum of £1 as travelling allowance for the journey between Marseilles and the United Kingdom.

Section IV.—Halting Allowance.

13. Officers travelling on duty in the United Kingdom may, when away from headquarters, draw in addition to travelling expenses under section III halting allowance at the rates shown in the following table. These rates are not intended to meet the whole cost of

subsistence when absent from home or headquarters, but only the extra expenses necessarily incurred through such absences—

A.—United Kingdom.

Class.	Rate 1 (first 14 night-s).	Rate 2 (after 14 night-s).	*Rate 3 (journey of not less than 4 miles each way involving absence from headquarters of 10 hours or over).	*Rate 4 (journey of not less than 4 miles each way, involving absence from headquarters of between 5 and 10 hours).
	s. d.	s. d.	s. d.	s. d.
1	.. 25 0	15 0	5 0	3 6
2	.. 18 9	10 0	3 6	2 6
3	.. 12 6	7 6	2 9	2 0

B.—Places abroad.

	Class 1. £ s. d.	Class 2. £ s. d.	Class 3. £ s. d.
America	2 10 0	1 17 6	1 5 0
Europe (and the Near East)	.. 1 15 0	1 6 9	0 17 6

14. The above rates will not ordinarily be admissible for more than one month in any one place. They may be varied in the case of attendance at Imperial and International Conferences, etc.

15. No halting allowance can be drawn for any period during which an officer is entertained at the expense of the State or where subsistence is otherwise provided, e.g., on board ship.

Appendix to India Office Travelling, etc., Allowance Rules.

Section I.—Classification of Officers.

1. In case of doubt the head of a department may decide the classification of an officer.

Section II.—Compensatory Allowances.

2. With reference to rule 6, if an officer's residence is at a distance from his headquarters and he is committed to its occupation, heads of departments may at their discretion sanction the cost of railway travelling (at season ticket rates if possible) between such residence and headquarters, provided that this course will not cost more to Government than the grant of compensatory allowance under rule 6 and that it will not interfere with the officer's duty.

*These rates are not admissible in conjunction with rates 1 and 2.

Section III.—Travelling Expenses.

3. In case of doubt, the head of the department may decide what is an officer's headquarters.
4. With reference to rule 10, see remarks above under section II.

Candidates.

5. Candidates for appointments who appear before Selection Committees or Medical Boards are not ordinarily entitled to their expenses for such attendance. In the following cases, however, third class railway fares are admissible:—

- (a) Candidates already in the public service of this country.
- (b) Persons possessing technical or other special qualifications for an appointment who are invited to an interview by this office.
- (c) Where the Board of Education or other public body or expert authority employed to select an officer desires expenses to be granted.

Where the status of the officer is such that he would be granted railway fare of higher class than third if he were in the service of the Secretary of State, the Government of India or the High Commissioner, and the circumstances of the case seem to require this concession, the head of a department may at his discretion allow such higher fare.

6. In other special cases expenses may be granted upon the authority of heads of departments within the limits of their powers of sanction.

7. Mechanics and other persons of similar status may, in addition, be granted the amount of any wages forfeited by them for attendance at this office under the orders of the head of the department.

Officers undertaking work at their own request.

8. In cases where officers on leave undertake work at their own request, a refund of actual and necessary expenses may be granted, subject to the sanction of the Secretary of State in Council or of the High Commissioner, where such duty involves travelling, but no other expenses (*e.g.*, hotel bills) or allowances are admissible, unless this is specifically recommended by the officer's local Government or the Government of India, as the case may be. (Bengal Government, Finance Department, No. 90-T.—F., dated the 9th May 1927.)

APPENDIX No. 26.

[F. R. 44. S. R. 152.]

Rules regulating the grant of travelling allowance to enable European Government servants and their families to have access to British medical advice.

1. Definitions.—In these rules—

- (a) "adult" means a person 18 years of age or over;
- (b) "child" means a person under 18 years of age;
- (c) "European Government servant" means a Government servant whose domicile of origin, as defined in clauses 2 and 3 of the Schedule to the Fundamental Rules, is non-Asiatic;
- (d) "family" means a Government servant's wife, and his legitimate children or step-children wholly dependent upon him.

2. Subject to the provisions of rules 5 and 6 below, a European Government servant serving in a station where there is no British Medical Officer may draw travelling allowance to the extent prescribed in rule 4 below, on account of a journey performed by himself or by any member of his family residing with him to and from the nearest station at which there is a British Medical Officer, for the purpose of receiving medical attention or advice from such British Medical Officer.

3. If such British Medical Officer or a British Medical Officer serving at the Government servant's own station certifies in writing that the case is of such a serious or special nature that he is not able or willing to treat and that the patient should proceed for treatment to some other specified station in Bengal, travelling allowance to the extent prescribed in rule 4 may be drawn for the journey to and from such station.

4. The amount of travelling allowance admissible for any journey performed under rule 2 or 3 is—

- (a) For that part of the journey performed by public conveyance, the fare, if any, actually due and paid on account of the patient together with the fare actually paid on account of not more than one attendant on the patient.

Note.—The fares recoverable under this clause are fares of a class not higher than that by which the Government servant himself is entitled to travel on duty.

- (b) For that part of the journey as performed otherwise than by public conveyance, actual travelling expenses limited to—

- (i) the amount arrived at by multiplying the mileage allowance rate admissible to the Government servant by the number of miles so travelled which could not have been travelled by public conveyance plus
- (ii) the amount admissible under clause (a) in respect of so much of such journey as could have been performed by public conveyance;

provided that no claim will be admitted for expenditure incurred on account of any person accompanying an adult patient unless it is supported by a certificate in Form "A" appended to these rules signed by the British Medical Officer consulted to the effect that it was necessary for the proper care of the patient that he or she should be accompanied by an attendant on such journey.

5. Every claim for travelling allowance under these rules shall be supported by a certificate in Form "B" appended to these rules signed by the Government servant making the claim.

6. Every claim for travelling allowance under rule 2 of these rules shall be presented in a separate bill and shall be forwarded through the Government servant's controlling officer, if any, to the British Medical Officer to whom the patient travelled. If such British Medical Officer certifies in Form "A" appended to these rules that the undertaking of the journey was, in his considered opinion, justified, he shall return the bill with his certificate through the controlling officer to the Government servant presenting the claim. Otherwise, he shall forward the bill with his certificate to the contrary effect to the Local Government in the Finance Department, which after such enquiry, if any, as it may see fit to make, shall either reject the claim or admit it in whole or in part.

7. A British Medical Officer under the administrative control of the Local Government proceeding under proper authority to attend upon a Government servant of non-Asiatic domicile serving in a station where there is no British Medical Officer, or upon any member of such Government servant's family residing with him, is entitled to travelling allowance as for a journey on tour.

8. These rules shall be deemed to have come into force with effect from the 1st April 1926.

FORM "A".

(NOTE.—Alternative wording and words enclosed in square brackets to be struck out when not relevant.)

Certified—

- (1) That.....(wife/child of.....) was professionally examined by me at....., on , and that on that date he/she was/was not in state of health which, in my considered opinion, justified the undertaking of the journey from.....to procure British medical advice.
- [(2) That it was necessary for the proper care of the patient that he/she should be accompanied by an attendant on the journey.]

Signature.....

Designation.....

Date.....

FORM "B".

(Note.—Alternative wording and words enclosed in square brackets to be struck out when not relevant.)

Certified that (there is no British Medical Officer at the station in which I serve and that) I/my wife/my child for whom whole/half/no fare is payable, actually performed the journey to and from.....
.....(accompanied by.....) for the purpose of obtaining medical advice from.....

Signature.....

Designation.....

Date.....

DELEGATION CHAPTER.**Heads of Departments.**

The Government of Bengal are pleased to declare the following officers serving under them to be "heads of departments" for the purpose of the Fundamental Rules and the Subsidiary Rules framed thereunder:—

- (1) Board of Revenue.
- (2) Director of Public Instruction.
- (3) Surgeon-General.
- (4) Inspector-General of Police.
- (5) Inspector-General of Prisons.
- (6) Chief and Superintending Engineers, Public Works Department.
- (7) Commissioners of Divisions.
- (8) District and Sessions Judges.
- (9) Conservators of Forests.
- (10) Commissioner of Excise and Salt.
- (11) Director of Agriculture.
- (12) Director of Land Records and Surveys.
- (13) Presidency Senior Chaplain, Church of Scotland.
- (14) Advocate-General.
- (15) Director of Public Health.
- (16) Inspector-General of Registration.
- (17) Commissioner of Police, Calcutta.
- (18) Director of Industries.
- (19) Superintendent and Remembrancer of Legal Affairs.
- (20) Registrar of Co-operative Societies.
- (21) Superintendent, Royal Botanical Garden.
- (22) Chief Engineer, Public Health Department.
- (23) Secretaries to Government in respect of officers who are not subordinate to any of the above heads of departments.
- (24) Veterinary Adviser to the Government of Bengal. (Bengal Government, Finance Department, No. 423-F., dated the 6th February 1926.)
- (25) Port Officer, Calcutta. (Bengal Government, Finance Department, No. 2851-F., dated the 26th July 1928.)

Statement showing the different powers which have been delegated to the various authorities under the Fundamental Rules and Subsidiary Rules.

Serial No.	Number of rule.	Nature of power.	Authority to which the power is delegated.
1	F.R. 9(19)	Power to appoint a Government servant to officiate in a vacant post.	Any authority having power to make a substantive appointment to the post.
2	F.R. 10	Power to dispense with a medical certificate of fitness, before appointment to Government service in individual cases.	Local Government—in individual cases or pay exceeding Rs. 50. Officer having authority to make the appointment—in case of Government servants on pay not exceeding Rs. 50.
3	F.R. 13	Power to suspend lien ..	Authority having power to make a substantive appointment to the post.
4	F.R. 14	Power to transfer a lien ..	Authority having power to make substantive appointments to both the posts concerned.
5	F.R. 20	Power to reduce the pay and allowance of a Government servant treated as on duty.	Any authority competent to make a substantive appointment to the post held by the Government servant.
6	F.R. 24	Power to withhold increment ..	Any authority competent to make a substantive appointment to the post.
7	F.R. 35	Power to reduce the pay of an officiating Government servant.	Authority competent to make the officiating appointment to the post concerned.
8	F.R. 36	Power to issue general or special orders allowing acting promotions to be made in the place of Government servants treated as on duty.	Heads of departments.
9	F.R. 40	Power to fix the pay of a temporary post which will probably be filled by a Government servant.	Authority competent to create a temporary appointment on the pay fixed.
10	F.R. 42(a)	Power to make a subsistence grant to a Government servant under suspension.	The suspending authority.
11	F.R. 49(b)	Power to appoint a Government servant to hold temporarily or to officiate in more than one post and to fix the pay of subsidiary posts and the amount of compensatory allowances to be drawn.	Heads of departments, provided they have power to make appointment in each of the posts.
12	F.R. 56(a)	Power to retain Government servants other than ministerial servants in service up to the age of 60 years.	Authority having the power to fill the appointment substantively.

Serial No.	Number of rule.	Nature of power.	Authority to which the power is delegated.
13	F.R. 71	Power to require a medical certificate of fitness before return from leave.	Authority which granted the leave.
14	F.R. 73	Power to extend leave ..	Ditto.
15	S.R. 9	Power to accept a certificate signed by a female medical practitioner in the case of a female candidate.	Heads of departments.
15A	S.R. 13	Power to fix headquarters ..	Heads of departments. Deputy Inspectors-General of Police in respect of officers serving under them, subject to the proviso that such changes are temporary and that the Inspector-General is informed. (Bengal Government, Finance Department, No. 69-T.—F., dated the 3rd May 1927.)
16	S.R. 25	Power to fix the grade of a Government servant.	Local Government.
17	S.R. 27	Power to declare the grade of a Government servant remunerated wholly or partly by fees.	Ditto.
18	S.R. 29	Power to grant permanent monthly allowance to a Government servant.	Ditto.
19	S.R. 31	Power to fix permanent monthly allowance of a Government servant, holding two or more appointments to each of which such an allowance is attached.	Ditto.
20	S.R. 32	Power to grant conveyance or horse allowance.	Ditto.
21	S.R. 36(b)	Power to declare the shortest of two or more routes.	Heads of departments.
22	S.R. 37	Power to permit mileage allowance to be calculated by route other than shortest or cheapest.	Ditto.
23	S.R. 38	Power to decide the point in any station from which journey is held to commence or at which it is held to end.	Local Government.
24	S.R. 41	Power to declare a particular Government servant or class of Government servants to be entitled to higher class accommodation by rail.	Ditto.

Serial No.	Number of rule.	Nature of power.	Authority to which the power is delegated.
25	S.R. 45 proviso.	Power to direct that any Government servant whose pay does not exceed Rs. 35 entitled to accommodation in the lowest railway class.	Heads of offices.
26	S.R. 47	Power to decide in cases of hardship to what class of steamer accommodation a Government servant is entitled.	Heads of departments.
27	S.R. 52	Power to allow a particular Government servant or a class of Government servants higher rate of mileage allowances.	Local Government.
28	S.R. 57	Power to fix special rates of daily allowances for any officer or class of officers.	Ditto.
29	S.R. 61	Power to increase the ordinary rates of daily allowance or mileage in any specified locality.	Ditto.
30	S.R. 65	Power to define the limits of the sphere of duty of a Government servant.	Heads of departments.
31	S.R. 67	Power to declare which is the journey on duty in cases of Government servants in respect of permanent travelling allowance.	Ditto.
32	S.R. 68	Power to restrict the frequency and duration of journeys on tour.	Controlling officers.
33	S.R. 69	Power to declare what officers are not entitled to travelling allowance for journeys within sphere of duty as their pay is so fixed as to compensate them for all such cost of journeys.	Local Government.
34	S.R. 71	Power to prescribe scale of Government tents for office or for personal use.	Ditto.
35	S.R. 72	(1) Power to grant to 4th grade Government servants single rail fare in addition to permanent travelling allowance. (2) Power to permit a Government servant with a sphere of duty extending beyond a single district, difference of double permanent travelling allowance and mileage allowance.	Heads of departments. Local Government.

Serial No.	Num- ber of rule.	Nature of power.	Authority to which the power is delegated.
36	S.R. 78	Power to exempt from the operation of the rule that daily allowance for more than 10 days' halt at one place should not be drawn.	Heads of departments up to a limit of 30 days; after that local Government.
37	S.R. 80	Power to allow a Government servant or a class of Government servants to draw mileage allowance instead of daily allowance for the whole period of absence from headquarters.	Heads of departments in individual cases where the pay of the Government servant does not exceed Rs. 200.
38	S.R. 81(a)	Power to allow a superior Government servant to exchange daily allowance for mileage on particular days.	Heads of departments.
39	S.R. 82	Power to allow a non-gazetted ministerial or a menial Government servant to exchange mileage allowance when he travels by public or hired conveyance.	Heads of offices.
40	S.R. 84	Power to allow a Government servant compelled by a sudden emergency to leave his camp and travel more than 20 miles to draw mileage allowance in addition to actual cost of maintaining his camp.	Heads of departments.
41	S.R. 85	Power to allow actual expenses for journeys of more than 100 miles to the first or from last camp including cost of transportation of camp equipment, etc., and fixing scale of servants, horses, etc.	Ditto.
42	S.R. 86(a)	Power to permit recovery of actual expenses for conveying camp equipment, etc.	Ditto.
43A	S.R. 86(a)	Power to permit recovery of actual expenses of conveying bicycles only. (Bengal Government, Finance Department, No. 5071-F., dated the 30th April 1925.)	District officers.
43B	S.R. 86(a)	Power to permit recovery of actual expenses of conveying bicycles only. (Bengal Government, Finance Department, No. 5071-F., dated the 30th April 1925.)	Executive Engineers.

Serial No.	Number of rule.	Nature of power.	Authority to which the power is delegated.
43C	S.R. 86(a)	Power to permit recovery of the actual expenses of conveying bicycles, incurred by non-gazetted subordinates. (Bengal Government, Finance Department, No. 2055-F., dated 30th March 1927.)	Deputy Inspector-General of Police.
44	S.R. 86(b)	Power to prescribe limitations as to the maximum weight of camp equipment, number of horses, etc.	Heads of departments.
45	S.R. 88	Power to permit the recovery of the actual cost of hiring a conveyance when no travelling allowance is admissible.	Local Government.
46	S.R. 90	Power to grant actual expenses for maintaining camp equipment during a halt at headquarters.	Heads of departments.
47	S.R. 103	Power to allow travelling allowance for joining first appointment in Government service (permanent or temporary).	Heads of departments, District Officers and Deputy Inspectors-General of Police in respect of travelling allowance to non-gazetted subordinates. Local Government in all other cases.
48	S.R. 105	Power to allow a free passage by sea to a person appointed to a post which he cannot join except by sea.	Heads of departments and District Officers, Chief Judge, Small Cause Court, Calcutta, Chief Presidency Magistrate, Calcutta, Port Officers, Calcutta and Chittagong, Deputy Commissioner, Chittagong Hill Tracts,—in respect of Government servants appointed by them. Local Government in all other cases.
49	S.R. 113(a)	Power to prescribe lower maxima in respect of carriage of personal effects.	Local Government.
50	S.R. 113(c)	Power to prescribe scale of tents transported at the expense of Government during transfer.	Ditto.
51	S.R. 125(a)	Power to sanction halts at hill stations in excess of 10 days.	Heads of departments up to a limit of 30 days. Local Government in all other cases.
	(b)	'Power to intimate that a Government servant staying at a hill station in excess of 10 days was required to stay on duty or permitted to stay during holidays.'	Ditto.

Serial No.	Number of rule.	Nature of power.	Authority to which the power is delegated.
52	S. R. 127 (proviso 2)	<p>Power to disallow travelling allowance to candidates attending examinations—</p> <p>(i) for culpable neglect ..</p> <p>(ii) for failure to obtain a reward.</p>	<p>(i) Heads of departments in cases of culpable neglect in duty in preparing for an obligatory examination.</p> <p>(ii) Local Government in cases in which a reasonable standard of proficiency is not displayed in an examination other than obligatory.</p>
53	S. R. 129	Power to allow travelling allowance for journeys to attend non-obligatory departmental examination.	Local Government.
54	S. R. 132	Power to allow travelling allowance for a journey made during leave or while proceeding on or returning from leave.	Ditto.
55	S. R. 143	Power to allow travelling allowance for journeys after retirement or dismissal or termination of service.	Ditto.
56	S. R. 156 (b)	Power to allow actual expenses for appearing before a Medical Board in case of voluntary application for invalid pension.	Heads of departments.
57	S. R. 160	Power to decide the rates of travelling allowance to be granted under this rule.	Ditto.
58	S. R. 175	Power to prescribe a fixed hire in case of a Government servant provided with means of locomotion, when he pays all the cost of propulsion.	Local Government.
59	S. R. 176	Power to exempt 4th grade Government servants from the operation of rules regarding supply of means of locomotion.	Ditto.
60	S. R. 180	Power to grant travelling allowance to military officers invited to attend a durbar or a levee.	Heads of departments.
61	S. R. 182 (a)	Power to grant travelling allowance to a non-Government servant for attending conferences, meeting of a commission, etc.	Local Government.

Serial No.	Number of rule.	Nature of power.	Authority to which the power is delegated.
62	S. R. 182 (b)	Power to grant actual travelling expenses with hotel and carriage expenses.	Local Government.
63	S. R. 182 (c)	Power to delegate the powers to the Government servant presiding over the meeting of the Commission or other body in the above two cases.	Government officer presiding over conferences, etc.
64	S. R. 183	Power to declare who should be controlling officer for purposes of travelling allowance.	Local Government.
65	S. R. 186	Power to delegate the duty of countersignature of travelling allowance bills to a subordinate.	Ditto.
66	S. R. 187 (e)	Power to making subsidiary rules for the guidance of controlling officers.	Ditto.
67	S. R. 189	Power to grant honorarium from general revenues to a Government servant or to sanction the acceptance by a Government servant of honorarium or fee from a source other than general revenues.	Heads of departments—up to Rs. 500 in each case. Local Government in all other cases.
68	S. R. 192	Power to permit a Government servant to undertake a work without detriment to his official duties.	Subordinate authorities—in respect of non-gazetted Government servants in each case up to Rs. 100. Heads of departments—up to Rs. 500 in each case. Local Government in all other cases.
69	S. R. 193	Power to direct that the fees, etc., paid from a source other than general revenues for work done during office hours should be paid wholly or in part to the Government servant.	Any authority having power to sanction the acceptance of the honorarium or fee.
70	S. R. 194	Power to sanction the acceptance of private tuition fees by a Government servant of an Educational Service.	For each term— Local Government—over Rs. 500. Director of Public Instruction—up to Rs. 500.
			For each school term— Inspectors and Inspectresses of schools and principals of colleges—up to Rs. 100.

Serial No.	Number of rule.	Nature of power.	Authority to which the power is delegated.
71	S. R. 200	Power to grant leave to non-gazetted Government servants.	<p>(1) Officers in charge of forest divisions may sanction leave on average pay up to a maximum of four months to clerks in the lower division serving in their divisions, provided no extra expenditure is incurred nor a transfer of a clerk from another division involved.</p> <p>(2) Divisional Forest Officers, Sunderbans, may sanction leave on average pay up to a maximum of four months to the special revenue station officers belonging to the non-pensionable establishment, sanctioned in Government Order No. 2343-T.—R., dated the 10th October 1907, subject to the same conditions as in sub-paragraph (1) above. (Bengal Government, Finance Department, No. 1501-T.—F., dated the 28th September 1925.)</p> <p>(3) Superintendents of Police may grant leave not exceeding six months to ministerial officers, provided that local arrangements can be made to carry on the work. (Bengal Government, Finance Department, No. 2623-F., dated 26th August 1926.)</p>
72	S. R. 202	Power to grant leave to gazetted Government servants.	<p>Local Government, except in the following cases :—</p> <p>(1) Director of Agriculture may sanction leave on full average pay up to four months to all gazetted Government servants of the Agricultural Department.</p> <p>(2) Director of Land Records and Surveys may sanction leave on full average pay up to four months to Provincial and Subordinate Survey officers.</p> <p>(3) Commissioners of Divisions may sanction six weeks' leave on full average pay to Sub-Deputy Collectors employed on general duty, provided local arrangement can be made for their work.</p> <p>(4) Director of Public Instruction may sanction leave on full average pay up to four months to Provincial Educational officers.</p>

Serial No.	Number of rule.	Nature of power.	Authority to which the power is delegated.
73	S. R. 202	Power to grant leave to officers on foreign service.	<p>(5) Inspector-General of Police may sanction leave on full average pay to all gazetted Government servants subordinate to him for a period not exceeding six weeks, provided necessary arrangements are made locally.</p> <p>(6) Chief Justice may grant leave to officers appointed by the High Court.</p> <p>(7) Bishop of Diocese may sanction leave up to four months to Chaplains.</p> <p>(8) The Conservator of Forests may grant leave on average pay up to three months to all gazetted officers subordinate to him, provided he can make locally the necessary arrangements for carrying on the absentee's duties during the leave, and that no enhancement of pay of any officer deputed to carry on such duties is involved. (Bengal Government, Finance Department, No. 8102-F., dated the 24th August 1925.)</p> <p>(9) The Director of Public Health may grant leave on full average pay up to four months to the Entomologist, Publicity Officer, Head Chemist and Medical Inspector of Schools, provided local arrangements can be made by him without any extra expenditure for the discharge of their duties during the leave.</p> <p>(10) Subject to the same proviso, the Chief Engineer, Public Health Department, may grant leave on full average pay up to four months to Assistant Engineers. (Bengal Government, Finance Department, No. 2700-F.P. dated the 11th July 1928.)</p> <p>(11) The Surgeon-General with this Government may grant leave to Civil Assistant Surgeons. (Bengal Government, Finance Department, No. 3294-F., dated the 28th August 1928.)</p> <p>Foreign employer—up to a maximum period of four months in each case.</p> <p>Authority competent to sanction the transfer—up to any period.</p>

Serial No.	Number of rule.	Nature of power.	Authority to which the power is delegated.
74	S. R. 207	Power to declare that in case of transfers of charge for leave, etc., holidays prefixed or affixed, the proviso that the transfer or assumption does not involve the handing of money or securities will not apply.	Heads of departments.
75	S. R. 208	Power to authorize departure from this rule.	Ditto.
76	S. R. 215	Power to grant leave on application submitted.	Local Government or any other appointing authority.
77	S. R. 232	Power to grant leave to a Government servant in respect of whom a Medical Committee has reported that there is no prospect of his ever being fit to return to duty.	Local Government.
78	S. R. 265	Power to accept as sufficient the reasons alleged by an officiating Government servant for refusing to occupy the residence placed at his disposal by the permanent holder of the post.	Ditto.
79	S. R. 267	Power to grant maternity leave to a female Government servant.	Local Government or any other appointing authority.
80	S. R. 269	Power to grant hospital leave ..	Appointing authorities or heads of offices, as the case may be.
80A	S. R. 269A	Power to grant hospital leave to certain ranks in the Police Department.	Ditto. (Bengal Government, Finance Department, No. 3096-F., dated the 6th July 1927.)
81	S. R. 273	Power to grant sick leave to seamen.	Commanders of vessels.
82	S. R. 275	Power to grant leave to temporary Engineers, Public Works Department.	Local Government.
83	S. R. 279	Power to make exceptions in the grant of leave to a non-continuous service officer, if he is absent on ill-health on the last date the establishment is discharged or the first date on which it is re-employed.	Appointing authority.

Serial No.	Number of rule.	Nature of power	Authority to which the power is delegated.
84	S.R. 286	Power to grant leave or leave salary to a labourer employed on daily wages in a workshop temporarily absent owing to injuries received while on duty.	Authority under whom directly employed.
85	S.R. 293	Power to permit the calculation of joining time by a route other than that which travellers ordinarily use.	Heads of departments.
86	S.R. 298	Power to extend joining time admissible under the rules beyond the maximum of thirty days.	Local Government.
87	S.R. 299	Power to grant longer period of joining time within the maximum of thirty days.	Heads of departments. Deputy Inspector-General of Police (in the case of non-gazetted officers), (Bengal Government, Finance Department, No. 87-T.—F., dated the 7th May 1927.)

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This index has been compiled solely for the purpose of assisting references. No expression used in it should be considered in any way as interpreting the rules. The terms "S.R." "S.S." "G.I." and "A.I." indicate "Subsidiary Rules under the Fundamental Rules," "Secretary of State" "Government of India" and "Audit Instruction," respectively. The Rules without any such indicating letters refer to the Fundamental Rules proper.

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